

MISSOURI
HOUSE OF REPRESENTATIVES

REPORT TO THE SPEAKER ON:
**CHILDRENS TREATMENT SERVICES
AND
CRIMINAL RECORDS CHECKS
1986**

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By the Interim Committee on
CHILDREN, YOUTH AND FAMILIES

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OFFICE OF THE SPEAKER



BOB F. GRIFFIN
314-751-2700

STATE CAPITOL
JEFFERSON CITY, MISSOURI

MISSOURI
HOUSE OF REPRESENTATIVES



June 20, 1986

Representative Kaye Steinmetz
13 Longhenrich Drive
Florissant, Missouri 63031

Dear Kaye:

Please be advised that as of this date I am appointing an Interim Committee to study the state's treatment services for children and criminal record checks of day care workers and/or providers. The following Representatives will serve on this Interim Committee: Kaye Steinmetz, Chairman, Doug Harpool, Pat Dougherty, Chris Graham, Marion Cairns, and Gene Lang.

I expect most of the Committee's work will be done in Jefferson City, however, should the Committee's work entail the Committee travelling out-of-state or out-state, please submit an agenda for approval to my office before any travelling occurs.

Please submit the Committee's findings and recommendations along with proposals for any legislation the Committee may plan to introduce in the 1987 session to my office before December 1, 1986. I would also like a member attendance record for each of the meetings your Interim Committee will hold this year.

If you have any questions, please feel free to call Mark or myself at any time.

Very truly yours,

A handwritten signature of Bob F. Griffin in dark ink.

BOB F. GRIFFIN
SPEAKER

BFG:sm

cc: All Members of the Committee
Doug
Darrell
Bill Kelsay



CHILDREN YOUTH AND FAMILIES COMMITTEE

Room 400CC
State Capitol
Jefferson City, MO 65101

Rep. Kaye H. Steinmetz
Chairman
Rep. Doug Harpool
Vice-Chairman
Barbara Mertens
Secretary
Sharon Busch
Legislative Assistant

Rep. Stephen C. Banton
Rep. Marion Cairns
Rep. Patrick Dougherty
Rep. Mary Kasten

Rep. Gene Lang
Rep. Jacqueline T. McGee
Rep. Sandra Reeves
Rep. Sue Shear

January 1987

The Honorable Bob Griffin
State Capitol, Room 308
Jefferson City, Missouri 65101

Dear Mr. Speaker,

Services for children in Missouri's care and custody are in a state of crisis. Advocates and providers of care are angry, and relationships between the different branches of government are strained.

At your request the Interim Committee on Children, Youth and Families did a careful and thorough study on "Children's Treatment Services" and "Criminal Record Checks of Child Care Providers". We submit the following findings and recommendations.

Eight hearings were held in Jefferson City, with designated dates for hearing testimony on specific topics from the persons most directly involved or impacted. In addition, one day long work session brought together the "key players" of all these different areas to agree on the problems and the necessary changes. It is noteworthy, I believe, that representatives of the three branches of government, along with the private sector, met together harmoniously. Judges, legislators, department and division directors, juvenile officers, residential providers, foster parents, and advocates, all participated in the process.

The work of these people, and most especially the Committee members and the staff, have been condensed into three major legislative proposals. They are included within this report. I hasten to point out, however, that passage of these three bills will not eliminate all of the problems. Future planning, continuums of care programs between departments and divisions, and increased appropriations are necessary components and must also be considered as the Bills are debated.

This report includes only carefully selected materials and testimonies, along with summaries on each hearing. Staff members Sheldon Snook, Brad Schmidt, and Barbara Mertens are largely responsible for its preparation and I'm grateful for their dedication and hard work throughout the study.

I also appreciate the work of Committee members. They continue to demonstrate their commitment and concern.

Thank you for the opportunity to improve services for Missouri's children and youth!

Sincerely,

KAYE H. STEINMETZ, CHAIR
Children, Youth and Families Committee

KHS:bm

MISSOURI HOUSE OF REPRESENTATIVES



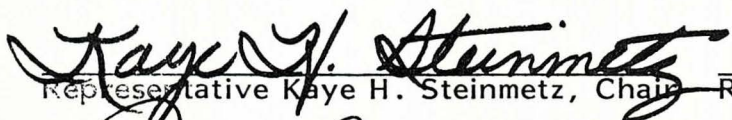
MISSOURI
HOUSE OF REPRESENTATIVES
JEFFERSON CITY 65101


January 1987

The Honorable Bob Griffin
State Capitol, Room 308
Jefferson City, Missouri 65101

Dear Mr. Speaker,

The undersigned members of your Interim Committee on Children, Youth and Families have completed the study on "Children's Treatment Services" and "Criminal Record Checks of Child Care Providers" and submit the attached report.


Representative Kaye H. Steinmetz, Chair


Representative Doug Harpool, Vice-Chair


Representative Russell Brockfeld

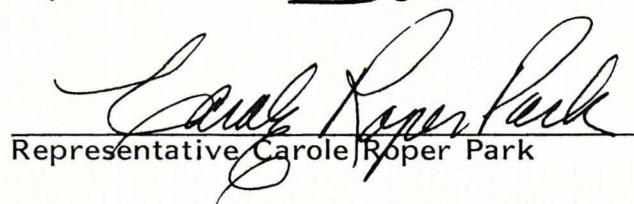

Representative Marion Cairns

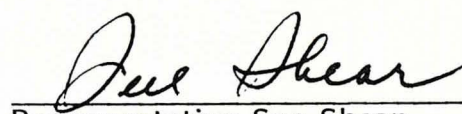

Representative Patrick Dougherty


Representative Chris Graham


Representative Gene Lang


Representative Al Milges


Representative Carole Roper Park


Representative Sue Shear

EXECUTIVE SUMMARY

Missouri's service delivery system for abused, neglected and delinquent children is in a crisis. Unless immediate steps are taken, the state could soon face an avalanche of lawsuits and - worse yet - a deepening spiral of abuse, crime and state dependency as children in need are left untreated and grow up to abuse, neglect and exploit their own children.

The House Interim Committee on Children's Treatment Services and Child Care Criminal Record Checks recently conducted a series of public hearings. Testimony was heard from juvenile judges and officers, foster and adoptive parents, advocacy groups, providers of residential and day care, and department and division directors of pertinent state agencies.

Witness after witness spoke of numerous problems and frustrations within the system, with some common issues running throughout.

Most frequently heard was alarm over service freezes and waiting lists for children who have been legitimately determined in need of treatment services. State agencies resort to these practices when budgetary projections indicate the possibility of an overrun. As a result, children's problems are exacerbated while they are "warehoused," receiving either inadequate treatment or none at all. The committee found the practice of basing treatment decisions on budgetary projections to be both arbitrary and inefficient. Denying or delaying treatment to children in genuine need only leads to increased human and monetary costs, as studies show an astounding correlation between child abuse and adults who have committed violent crimes. The committee recommends implementing state agency budgets that reflect the true costs of ensuring readily available services for the entire population of children who could benefit from immediate treatment. In addition, use of service freezes should be abandoned in favor of a more reasonable approach for determining which children should receive immediate treatment.

In a related problem, many witnesses spoke of frustrations stemming from irresponsible treatment of children by state agencies. This occurs when no agency will accept a child because each agency feels that another would offer more appropriate treatment. The committee recommends that juvenile courts be given clear statutory authority to review, order and enforce delivery of specific services and treatment for children in state custody.

Those testifying before the committee also stressed the importance of encouraging parental responsibility and family unity. The committee recommends that programs of intensive, in-home services be promoted to prevent unnecessary removals and out-of-home placements. Procedures for removing the adult abuser, rather than the victim, should also be available when appropriate. Independent living programs, which prepare older youth to live autonomously after discharge from foster care, should be expanded.

Another concern centered on the process for placing children in treatment facilities. The committee recommends that each

county have access to a trained multi-disciplinary assessment team to conduct comprehensive initial investigations and properly assess children's problems. Their findings should then be used to determine appropriate facilities should out-of-home placements be necessary.

A perceived deterioration in the relationship between state agencies and children's services providers was also brought to the attention of the committee. One result has been a dramatic decrease in the number of foster homes available throughout the state. Inadequate payments and erratic purchasing have forced some providers to discontinue serving children in state custody. The committee recommends that support services for foster families be expanded, and that specialized foster homes and foster parents be established for children with special needs. In addition, higher reimbursement rates and incremental increases thereafter must be provided to ensure the quality and availability of purchased services for children. Procedures for dealing with grievances and feedback of each category of providers must be established or improved.

Juvenile court judges were perplexed by an apparent lack of coordination between programs serving children. In some areas of the state, needed services are reported to be nonexistent. While the idea of a single agency with sole responsibility for children should be explored as a long-range solution, the administrative problems attendant to any reorganization would likely only worsen the current crisis. In the meantime, it is recommended that uniform practices and procedures for treating abused, neglected and delinquent children be developed through the cooperative efforts of the courts and various public and private agencies. Public and private agencies should also be encouraged to develop and expand services in areas of the state where needed.

The cost and occasional unavailability of liability insurance for providers, including foster homes and residential facilities, has forced many to reduce services or go out of business entirely. The committee recommends that DFS subsidize this cost for foster homes and targeted providers. If insurance problems persist, the state should assist providers in forming mutual benefit associations that allow sharing the risks of property damage or civil liability.

The prospect of exempting certain groups from a law requiring criminal record checks for child care workers drew criticism from employers who would be subject to the provisions. Recognizing these concerns, the committee recommends that all employers be given limited access to criminal and child abuse records. Those employers who fail to request the information would be financially responsible if a worker with a record subsequently injures a child.

In conclusion, the committee found a need to develop among administrators and legislators a common vision of what the system for children and families should be like by the year 2000. The Children's Services Commission and pertinent state agencies should cooperate to develop a plan that identifies future clients, needs and desired outcomes; allows administrators to focus

new and existing resources toward attainment of long-range goals; and creates a common vision which public officials can share in an effort to gain the support necessary for achieving the plan's objectives.

INTRODUCTION

Children's Treatment Services include protective services, alternative care, adoption services, day care and residential treatment services. These services are provided in a variety of situations, but most often to abused, neglected or delinquent children. Once a child is identified as such, a variety of services may be offered including in-home, community-based or other less intensive care. If a child is determined by the Juvenile Court to be in need of care in a setting other than his natural family home, alternative care is offered in foster family homes, foster group facilities or residential treatment facilities.

Family permanency for children is the goal of all services. Permanency planning attempts to reunite a child with his biological family as soon as possible and, when this is not possible, with other families, preferably through adoption.

There are two methods of service delivery. Direct services are delivered by state employees and include detection, treatment and prevention of child abuse and neglect. Purchased services are provided by other agencies through contracts with the State and they include counseling services, day care, evaluation and diagnosis, family planning, in-home services, foster care, foster group care and residential treatment services.

The House Interim Committee on Children's Treatment Services and Child Care Criminal Record Checks recently conducted a series of public hearings. Testimony was heard from juvenile judges and officers, foster and adoptive parents, advocacy groups, providers of residential and day care, and department and division directors of pertinent state agencies.

PART I CHILDREN'S TREATMENT SERVICES

Those testifying before the Committee cited numerous problems and frustrations within Missouri's children's treatment services system. Most alarming were references to State agency service "freezes" and waiting lists.

While funding for residential treatment has increased significantly in recent years, the relative number of children needing treatment has grown at an even greater pace. (See Appendix A1 and A2.) As a result, some State agencies have imposed service freezes and waiting lists. In some cases, children previously determined to be in need of treatment are denied service until openings become available. Serious problems are often exacerbated because children are merely "warehoused", receiving either inadequate treatment or none at all.

The Committee found the practice of basing treatment decisions solely on budgetary projections to be both arbitrary and inefficient. Denied or delayed treatment for children in genuine need can lead only to increased human and monetary costs. Research has shown most violent criminals have been severely abused as children.

THE COMMITTEE RECOMMENDS FUNDING OF STATE AGENCY BUDGETS TO MEET THE COSTS OF ENSURING IMMEDIATELY AVAILABLE SERVICES FOR ALL EXISTING AND PROJECTED NEEDS. ADDITIONALLY, SERVICE FREEZES SHOULD BE ABANDONED IN FAVOR OF A MORE REASONABLE APPROACH FOR DETERMINING WHICH CHILDREN RECEIVE IMMEDIATE TREATMENT.

A related problem involves irresponsible treatment of children by state agencies. Testimony revealed cases of children being shuffled from agency to agency, each claiming it was not the appropriate one to care for the child. Witnesses also lamented the passage of HB 1502 (1986), which has been interpreted by some to remove from juvenile courts the authority to order a child to be treated in a particular facility. Waiting lists grew larger last year when juvenile courts, anticipating the effective date of the law, speeded up placement orders to ensure immediate treatment for children judged to be in need. (See Appendix A3.) This action forced State agencies to delay treatment to children already awaiting placement. While recognizing that a multitude of court ordered placements may only aggravate the problem of waiting lists, many witnesses feared that removing this power from juvenile judges would leave children without anyone ultimately responsible for decisions concerning their welfare. The courts were asserted to be the best informed and most impartial decision-maker when it comes to the welfare of a particular child. By giving a State agency veto power over a court's placement decision, witnesses felt that money and politics would frequently determine whether some children were treated. Such arbitrary decision-making is contrary to the goals of children's treatment services.

THE COMMITTEE RECOMMENDS THAT JUVENILE COURTS HAVE ULTIMATE AUTHORITY FOR CHILD PLACEMENT DECISIONS. CLEAR STATUTORY AUTHORITY TO REVIEW, ORDER AND ENFORCE DELIVERY OF SPECIFIC SERVICES AND TREATMENT FOR CHILDREN IN STATE CUSTODY SHOULD BE ENACTED BY THE LEGISLATURE.

A number of witnesses stressed the importance of developing policies which encourage parental responsibility and family unity. It was suggested that agencies spend at least as much money and effort to keep families together as that spent for out-of-home placement. The benefits of keeping families together are twofold: children become acculturated much more effectively when in a stable group with shared values and mores; and the long-term savings of preventive services which keep families intact will far outweigh the costs.

Washington state's "Homebuilders" program has served as a model for other states. Characteristics of the program include: 1) they accept only families on the verge of having a child removed from the home; 2) they are crisis-oriented, and see each family as soon as possible after referral is made; 3) their staff responds to families round-the-clock, maintaining flexible hours seven days a week; 4) their intake and assessment process carefully ensures that no child is left in danger; 5) they deal with each family as a unit, rather than focusing on parents or children as problematic individuals; 6) workers see families in their own homes, making frequent visits convenient to each family's schedule; 7) they teach family skills, help the family obtain necessary resources and services, and provide counseling based on an understanding of how each family functions as a system; 8) they deliver services based on need rather than on categories that would ordinarily be assigned to each case; 9) each worker carries a small caseload at any given time, and staff members sometimes work in teams of two to a family providing each other with support and easing the demands of their irregular schedules; 10) they limit the length of their involvement with each family to a short period, typically between two and five months; 11) they provide their staff with ongoing in-service training, and often require a degree in social work or extensive experience in the community; 12) they follow up on families to assess their progress and evaluate the program's success; and 13) reimbursement to private agencies providing the services is based on performance, so that unnecessary out-of-home placements are avoided.

THE COMMITTEE RECOMMENDS THAT STATE AGENCIES BE REQUIRED TO PROVIDE INTENSIVE, IN-HOME SERVICES IN THE EXERCISE OF REASONABLE EFFORTS TO PREVENT OR ELIMINATE THE NEED FOR REMOVAL OF A CHILD FROM HIS HOME.

When family members must be separated as the result of abusive behavior, it is preferable for the child victim to remain at home. Depriving a child of his or her own bed, house, school, neighborhood, family and friends creates additional trauma and disruption.

THE COMMITTEE RECOMMENDS THAT PROCEDURES BE ENACTED FOR REMOVING THE ALLEGED OFFENDER FROM THE HOME, INCLUDING PROVISIONS FOR CONSTITUTIONAL SAFEGUARDS SIMILAR TO THOSE AFFORDED ADULT ABUSE DEFENDANTS.

Related to the concept of family unity is permanency planning, i.e., reuniting the child with the biological family as soon as possible and, when this is not possible, finding other permanent family relationships for children through adoption. Many foster parents feel that the procedures for permanency planning are flawed. While DFS policies allow foster parent participation in permanency planning reviews, in practice, foster parents claimed to be discouraged from contributing significant information. Their exclusion may seriously

impede development of an appropriate plan because foster parents are in a unique position to evaluate a child's problems. Foster parents said they frequently were not provided adequate notice of the hearings, and even when notified, their views were not given serious consideration.

THE COMMITTEE RECOMMENDS THAT THE FOSTER PARENT ADVISORY BOARD REVIEW PRACTICES AND PROCEDURES FOR FOSTER CARE PERMANENCY PLANNING, AND THAT THE BOARD DEVELOP SUGGESTIONS FOR ENSURING FOSTER PARENT INPUT INTO THE PLANNING PROCESS.

Another topic centered on the procedures for placing a child in a treatment facility after it is determined that the child needs residential care. Currently, the Residential Care Screening Team evaluates both a child's social history and the results of a behavior instrument inventory. The team then tries to match the child with a facility offering services suited to the child's needs.

Witnesses testified that ratings based on the behavior instrument inventory frequently misrepresent a child's condition. The instruments are completed by a caseworker assigned to each child. Witnesses questioned the accuracy of inventories completed by caseworkers with disparate training and expertise. Also cited were instances of caseworkers inflating the score of a particular child to make that child's problems appear greater than they really are. Because placement decisions are generally based on those in greatest need, score inflation increases the likelihood of immediate treatment. On the other hand, instances were mentioned of caseworkers declining to recommend treatment for a child with mild problems because the existence of long waiting lists virtually precludes a genuine opportunity for treatment. Placing authority to carry out service delivery at the local level should standardize planning and evaluations within each community. This in turn should lead to greater efficiency in the use of local resources and more appropriate treatment for children.

THE COMMITTEE RECOMMENDS THAT EACH COMMUNITY HAVE ACCESS TO A TRAINED MULTI-DISCIPLINARY ASSESSMENT TEAM TO CONDUCT A COMPREHENSIVE INITIAL INVESTIGATION AND ASSESSMENT OF A CHILD'S PROBLEMS. THE TEAM SHOULD THEN USE THAT ASSESSMENT TO RECOMMEND TREATMENT IN AN APPROPRIATE FACILITY.

A deterioration in the relationship between state agencies and each category of children's service providers was evident to the Committee.

Problems in the foster care system are reflected by a steady decrease in recent years in the total number of foster homes available throughout the State. While much of the blame for the drop can be placed on increasing numbers of older, severely damaged children entering the system, also cited were inadequate support services and DFS policies that discourage participation.

Given the number of working couples today, it is imperative that day care be made available to expand the pool of potential foster parents. Day care must also be affordable because State payments to foster parents for day care often do not meet the actual costs. Reimbursement for necessities and incidentals, such as clothing and eyeglasses, was also deemed inadequate.

THE COMMITTEE RECOMMENDS THAT THE STATE ENCOURAGE EXPANSION OF DAY CARE SERVICES FOR CHILDREN IN FOSTER CARE AND THAT FOSTER CARE REIMBURSEMENT RATES BE RAISED TO A LEVEL WHICH ENCOURAGES, RATHER THAN PENALIZES, PARTICIPATION IN THE PROGRAM.

Foster parent grievance procedures were also said to discourage participation. Witnesses felt that a DFS employee could not possibly render an impartial decision. Even if he did, there still exists an appearance of impropriety. The procedures were also said to take far too long, often placing a child in limbo until a decision is finally made.

THE COMMITTEE RECOMMENDS THE ESTABLISHMENT OF A GRIEVANCE SYSTEM WHICH GUARANTEES AN IMPARTIAL DECISION RENDERED BY A PERSON OR GROUP OUTSIDE THE AGENCY ORGANIZATION. THE FOSTER PARENT ADVISORY BOARD SHOULD BE CONSULTED PRIOR TO ITS ESTABLISHMENT.

Several foster parents lamented their inability to deal with foster children who have special problems and needs. The frustration that can result was mentioned as a significant factor inhibiting foster parent retention efforts.

THE COMMITTEE RECOMMENDS THAT DFS ESTABLISH, LICENSE AND TRAIN A SPECIAL CATEGORY OF FOSTER PARENTS TO PROVIDE LEVELS OF CARE FOR CHILDREN HAVING LESS SERIOUS PSYCHOLOGICAL OR MEDICAL PROBLEMS. ALL FOSTER PARENTS SHOULD RECEIVE TRAINING BEFORE BEING LICENSED, AND IN-SERVICE TRAINING THEREAFTER.

Foster parents frequently mentioned concern about liability for damages caused by children in their care. Insurance coverage, if available at all, is frequently cost prohibitive and acts to discourage participation.

THE COMMITTEE RECOMMENDS THAT EXPRESS LANGUAGE BE ENACTED ESTABLISHING FOSTER PARENT IMMUNITY FOR THE ACTS OF FOSTER CHILDREN IN THEIR CARE.

Frequently, older youth in foster care are discharged at age 18 with the expectation of caring for themselves, but they are actually ill-prepared to live autonomously.

THE COMMITTEE RECOMMENDS EXPANSION OF INDEPENDENT LIVING PROGRAMS TO TAKE GREATER ADVANTAGE OF FEDERAL ASSISTANCE.

Serious problems were cited in the methods used to purchase services for children. Providers said they are often forced to subsidize the costs of caring for children in state custody, causing many to either refuse treatment or go out of business entirely. Incremental rate increases for residential care providers have not been provided by the State, but DFS maintains that increases cannot be paid without specific appropriations from the legislature.

To stem the loss of foster homes and ensure the availability of other services when needed, THE COMMITTEE RECOMMENDS THAT THE STATE INCREASE REIMBURSEMENT RATES TO MEET ACTUAL COSTS, AND THAT INCREMENTAL INCREASES BE PROVIDED THEREAFTER.

In a related matter, the State last year increased payments to counties for holding state prisoners from eight to fourteen dollars per day, yet the rate paid for detaining juveniles remains at only eight dollars, even though costs per day may be greater for juveniles than adults. Counties without adequate resources may be forced to prematurely release dangerous juvenile offenders, thereby creating serious public safety concerns.

THE COMMITTEE RECOMMENDS THAT THE RATE PAID TO COUNTIES FOR THE CARE AND MAINTENANCE OF JUVENILES BE INCREASED TO MATCH THE ADULT REIMBURSEMENT RATE.

A range of children's service providers faulted the bidding procedures used by State agencies to procure services. In particular, contracts were revised without any input from providers, and amendments were required to be signed and returned without allowing providers a reasonable amount of time to consider the changes.

THE COMMITTEE RECOMMENDS THAT DFS CREATE A "CHILDREN'S SERVICE PROVIDERS ADVISORY BOARD" SIMILAR TO THAT CREATED FOR FOSTER PARENTS. THE BOARD SHOULD PROMOTE COMMUNICATION BETWEEN PROVIDERS AND STATE AGENCIES AND ALLOW PROVIDERS TO PARTICIPATE IN THE REVISION OF SERVICE CONTRACTS.

Juvenile court judges were greatly perplexed by the lack of coordination between programs serving children. In many areas of the State, critical services were said to be nonexistent. While creation of a single agency with sole responsibility for children was suggested as a long range solution, the problems and delays attendant with reorganization would likely only exacerbate the current crisis.

THE COMMITTEE RECOMMENDS THAT JUVENILE COURTS AND VARIOUS PUBLIC AND PRIVATE AGENCIES COOPERATE TO DEVELOP UNIFORM PRACTICES AND PROCEDURES FOR DELIVERING SERVICES TO CHILDREN THROUGHOUT THE STATE. ALSO, STATE AGENCIES SHOULD CREATE AND EXPAND SERVICES IN AREAS OF THE STATE WHERE LACKING.

The increasing cost and unavailability of liability insurance were claimed to be major disincentives for the continuation and expansion of children's services. Some providers face rate increases of 100 percent while coverage is reduced by two-thirds. The ability to recruit and retain foster families, as mentioned earlier, is severely hampered when families are forced to assume responsibility for possibly devastating losses.

THE COMMITTEE RECOMMENDS THAT THE STATE STUDY THE FORMATION OF CHILD CARE PROVIDERS' MUTUAL BENEFIT ASSOCIATIONS. THE ASSOCIATIONS COULD ALLOW MEMBERS TO SHARE THE RISKS OF PROPERTY DAMAGE AND CIVIL LIABILITY. THE STUDY SHOULD INCLUDE METHODS FOR ENSURING FOSTER PARENTS THE AVAILABILITY OF HOMEOWNERS INSURANCE. IN ANY EVENT, FOSTER PARENTS SHOULD BE REIMBURSED FOR THE INCREASED COST OF HOMEOWNERS INSURANCE ATTRIBUTABLE TO FOSTER CARE.

PART II CHILD CARE WORKER CRIMINAL RECORD CHECKS

Physical and sexual abuse of children by those entrusted to care for them is increasingly being recognized as a tragedy of considerable proportions. It is not known whether the current public awareness of child abuse perpetrated by employees of child care facilities is reflective of an increase of the reporting of such incidents or of an actual increase in the incidence of such abuse. There is little doubt, however, of the danger of exploitation by persons in positions of special trust.

THE COMMITTEE RECOMMENDS THAT EXISTING MEASURES TO PREVENT SUCH EXPLOITATION BE STRENGTHENED.

Currently, child care providers may voluntarily request a search of the DFS central registry of child abuse and neglect for records of all current or prospective employees and volunteers. Even if licensed facilities were required to request the checks, figures show that the majority of abuse cases reported occur in unlicensed facilities. (See Appendix A4.)

THE COMMITTEE RECOMMENDS THAT ALL EMPLOYERS BE AUTHORIZED TO REQUEST CRIMINAL OFFENSE AND ABUSE AND NEGLECT INFORMATION OF ANY EMPLOYEE OR VOLUNTEER WHOSE WORK BRINGS HIM IN REGULAR CONTACT WITH CHILDREN. CRIMINAL RECORD CHECKS SHOULD BE CONDUCTED BY THE HIGHWAY PATROL USING THE STATE'S CENTRAL REPOSITORY OF CRIMINAL HISTORY INFORMATION. THE HIGHWAY PATROL SHOULD ALSO REQUEST AN EXAMINATION OF THE DFS REGISTRY FOR SUBSTANTIATED REPORTS OF ABUSE, AND THE INFORMATION SHOULD THEN BE DISSEMINATED TO AUTHORIZED EMPLOYERS. EMPLOYERS WHO FAIL, WITHOUT GOOD CAUSE, TO REQUEST INFORMATION MADE AVAILABLE BY THE ACT SHOULD BE LIABLE FOR INJURIES SUFFERED BY A CHILD AS A RESULT OF AN OFFENSE BY AN EMPLOYEE.

"Employer" should be broadly defined to include all businesses or organizations whose employees or volunteers regularly render services to children. Provisions for interstate and federal sharing of information should be included.

PART III FUTURE PLANNING

Finally, the Committee found a need to develop a common vision and plan as to what the system for children and families should be like by the year 2000.

THE COMMITTEE RECOMMENDS THAT THE CHILDREN'S SERVICES COMMISSION OVERSEE A STUDY THAT: 1) IDENTIFIES THE SYSTEM'S FUTURE NEEDS, CLIENTS AND DESIRED RESULTS; 2) PROVIDES A BLUEPRINT TO GUIDE ADMINISTRATORS' USE OF NEW AND EXISTING RESOURCES TOWARD ATTAINMENT OF LONG-RANGE GOALS; AND 3) CREATES A VISION WHICH PUBLIC OFFICIALS CAN SHARE IN AN EFFORT TO GAIN THE SUPPORT NECESSARY FOR ACHIEVING THE PLAN'S OBJECTIVES.

While the Committee recognizes that implementation of the above recommendations will not be a solution to all problems presented during the hearings, they feel that their implementation will substantially ameliorate conditions contributing to the current crisis. The goal of children's services is to strengthen and maintain the family unit and to ensure a stable and supportive environment. The Committee believes that the children of Missouri deserve no less.

ACKNOWLEDGMENTS

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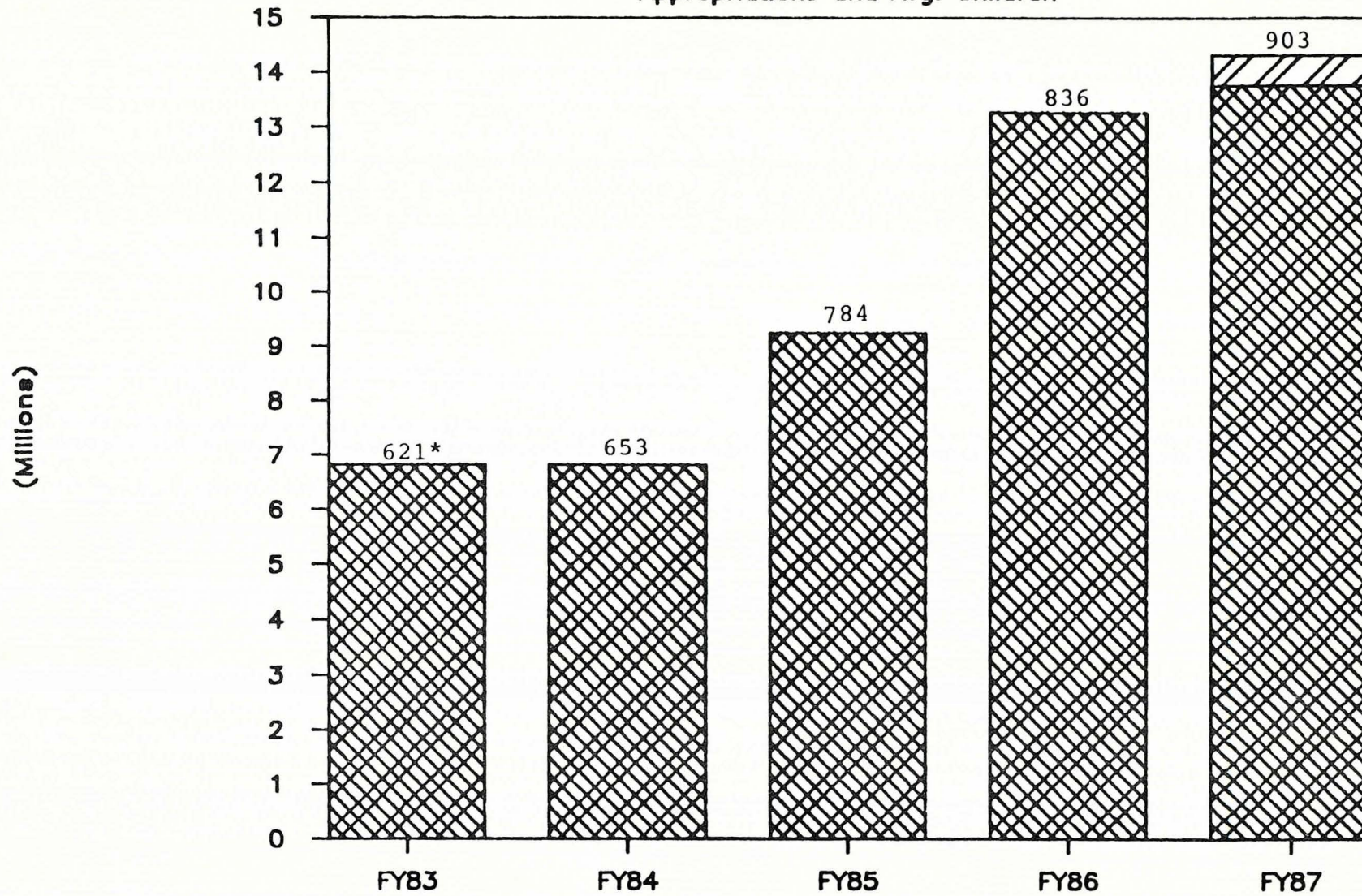
Deprived Children: A Judicial Response, 73 Recommendations, Vol. 37, No. 4, Juvenile & Family Court Journal, (1987).

Testimony: Interim Committee of the Children, Youth and Families Committee, State Capitol, Jefferson City, Missouri, September 11-October 16, 1986.

Work Session: Interim Committee of the Children, Youth and Families Committee and Select Witnesses, J F K Community Center, Florissant, Missouri, November 20, 1986.

RESIDENTIAL TREATMENT

Appropriations and Avg. Children



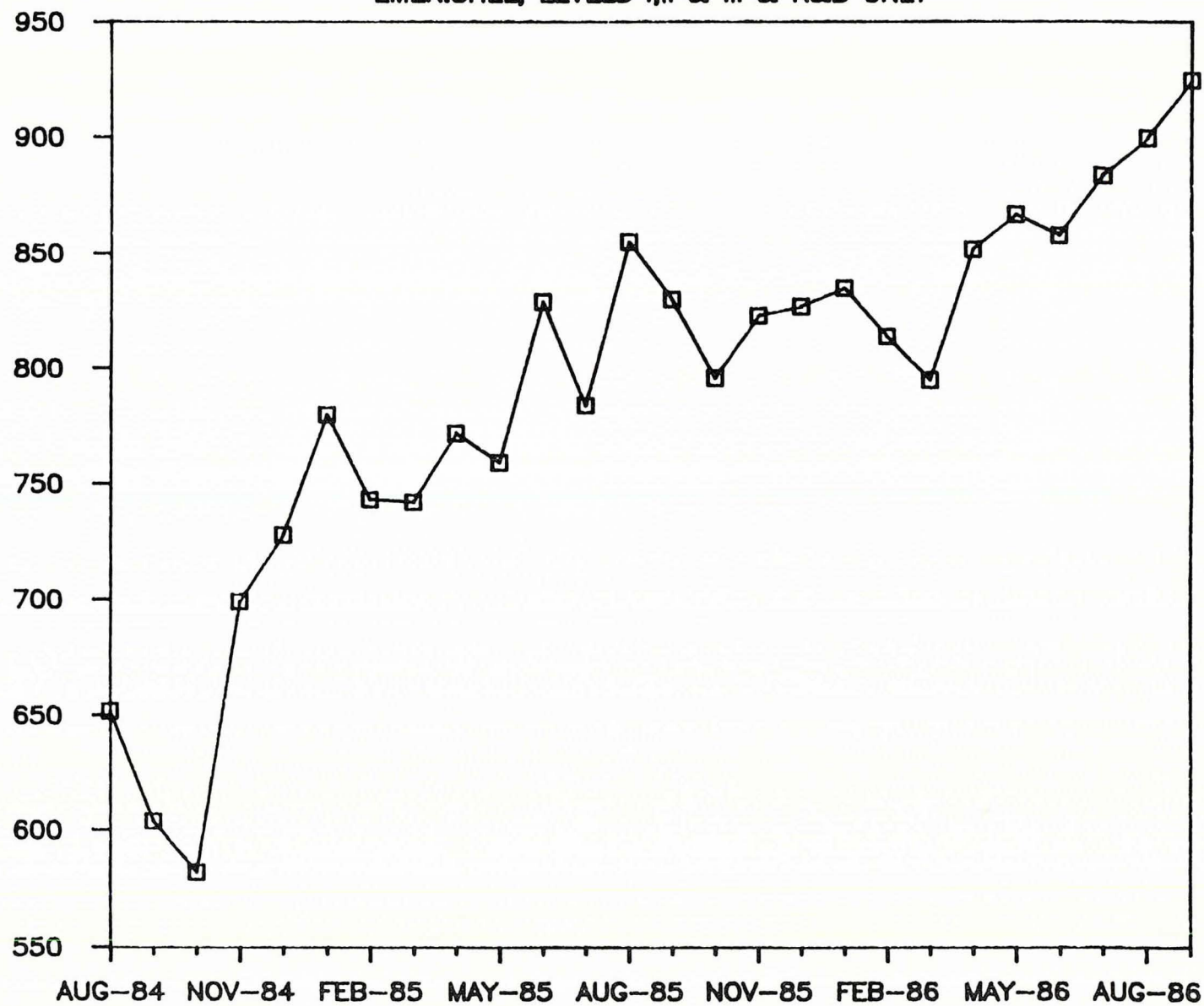
 APPROPRIATION

 SUPPLEMENTAL REQ.

*Average Number of Children

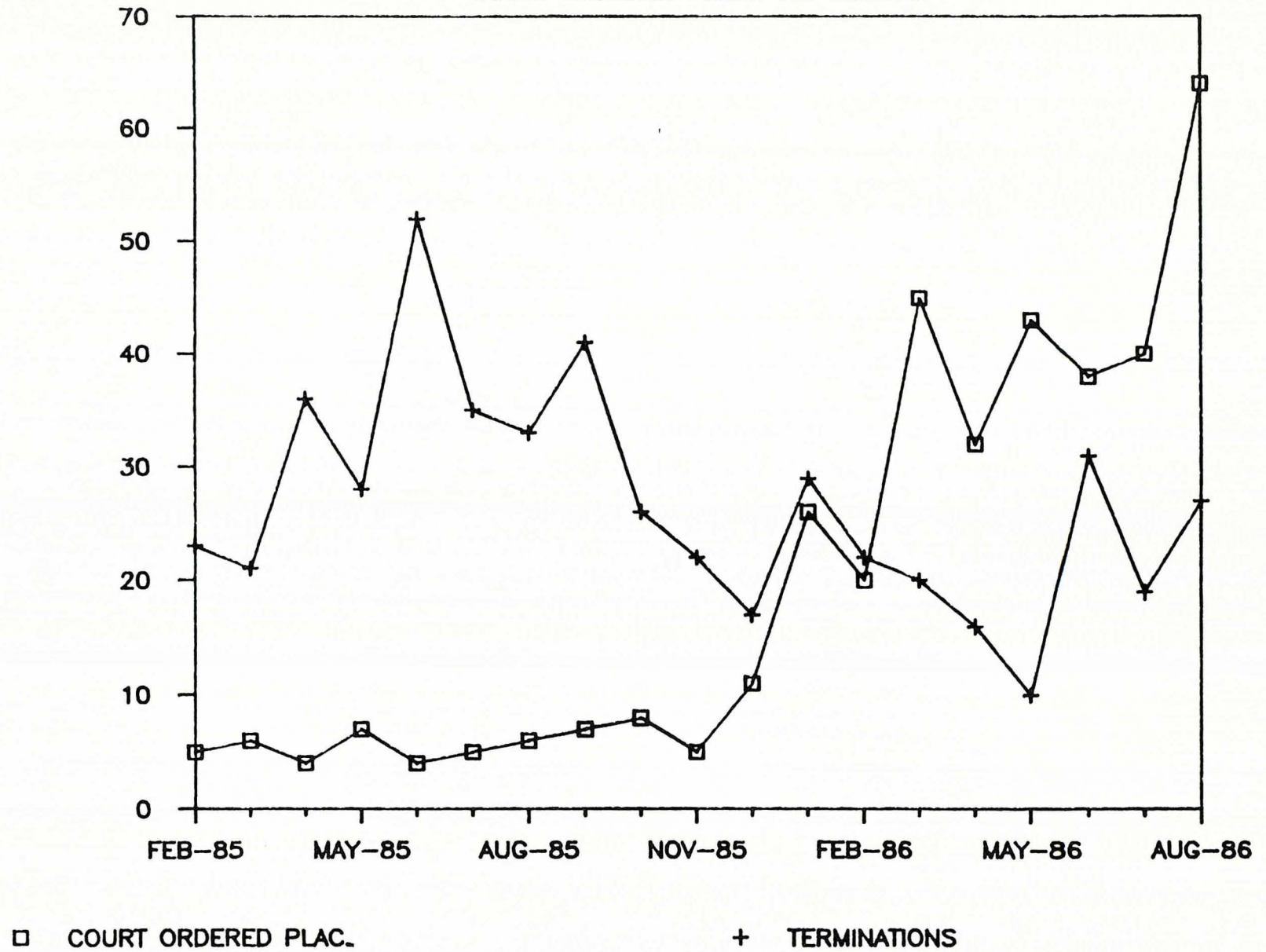
RESIDENTIAL TREATMENT -# OF CHILDREN

EMER.SHEL, LEVELS I,II & III & R&B ONLY



RESIDENTIAL TREATMENT

COURT ORDERED PLACE VS. TERMIN.



CHILD ABUSE PREVENTION

PERCENTAGE OF CHILD ABUSE CASES OCCURING IN DAY CARE FACILITIES

2.5%

LICENSED FACILITIES SUBJECT TO THE LAW

778 licensed day care centers
1225 licensed family day care homes

FACILITIES NOT SUBJECT TO THE LAW

840 unlicensed (exempt) day care centers
6000 unlicensed family day care homes
200 Head Start centers
500 nursery schools
day camps
resident camps
hundreds of YMCA workers
thousands of Boy Scout leaders
thousands of public and private school teachers

PERCENTAGE OF CHILD ABUSE CASES ATTRIBUTABLE TO LICENSED
FACILITIES

less than 1%

ORGANIZATIONAL MEETING
JEFFERSON CITY, MISSOURI

SEPTEMBER 3, 1986

PRESENT

Steinmetz
Cairns
Graham
Lang
Park
Shear

ABSENT

Brockfeld
Dougherty
Harpool
Nilges

STAFF

Mertens
Schmidt
Snook

PUBLIC HEARING
JEFFERSON CITY, MISSOURI
SEPTEMBER II, 1986

PRESENT

Steinmetz
Cairns
Graham
Lang
Park
Shear

ABSENT

Brockfeld
Dougherty
Harpool
Nilges

STAFF

Mertens
Schmidt
Snook

WITNESSES

James Moody, Acting Director of the Department of Social Services
William Siedhoff, Acting Director of the Division of Family Services
Melody Emmert, Deputy Director of the Division of Family Services
Keith Krueger, RCST Team
Linda Roebuck, Division of Mental Health

TESTIMONY --- INTERIM COMMITTEE ON CHILDREN'S TREATMENT SERVICES
AND CRIMINAL RECORDS CHECKS.

DEPARTMENT, DIVISION AND AREA DIRECTORS AND THE RCST TEAM
SEPTEMBER 11, 1986

JAMES MOODY, Director, Department of Social Services -

The ability of the state to provide services to children in need has been impacted by several factors. Those having the greatest effect include:

(1) Funding for residential treatment has increased significantly in recent years - from \$6.8 million in FY83 to \$13.8 million in FY87.

(2) While funding has increased, the number of children needing treatment has also increased significantly - from an average of 621 in FY83 to 903 in FY87 (est).

(3) The recent increase in the number of children placed on the treatment waiting list was caused by juvenile court ordered placements of children in specific treatment facilities. The juvenile courts were attempting to assure treatment for children in need before the provisions of HB 1502 became effective. HB 1502 has been interpreted to remove from the juvenile courts the authority to order that a child be placed in a specific treatment facility. The result of the court ordered placements was a delay in treatment for those children who were already awaiting treatment on the list.

WILLIAM SEIDHOFF, Acting Director, Division of Family Services

The availability of children's treatment services has increased in recent years, both geographically and monetarily. In addition, the continuum of services offered has expanded to better suit the needs of client children.

With regard to the waiting list for residential treatment:

(1) the average length of time for children on the waiting list is three months;

(2) the longest period of time for a child on the list was 22 months (minimum need children); and

(3) the shortest period of time a child waited while on the list was three to five day.

MELODY EMMERT, Legal Counsel, Division of Family Services

The constitutionality of HB 1502 is currently being challenged by a person acting as guardian ad litem for a child who requested the juvenile court to order a specific placement. The court refused, citing the language of HB 1502. The case is yet to be decided.

Regarding criminal record checks for day care centers, the department is in the process of drafting legislation which would require more of day care providers than the existing voluntary

standard.

Keith Krueger, Residential Care Placement Coordinator

The residential care screening team and the individual caseworker are responsible for determining when it is appropriate to remove a child from the home. Removal and treatment decisions are based on a child's social history and the results of a behavior instrument inventory.

LINDA ROEBUCK, Department of Mental Health

The department offers services to children through the divisions of alcohol and drug abuse, comprehensive and psychiatric services, and mental retardation and developmental disabilities. Altogether, approximately ten percent of the department's budget is devoted to children's services.

Dr. Keith Schafer, Director, Department of Mental Health -

The crisis in family foster care is one of the most troubling trends occurring in America today. The reasons for the crisis include:

- (1) Damaged children entering the system;
- (2) Increases in status offenders in foster care;
- (3) Increases in sexually abused children in foster care;
and
- (4) Throwaway kids in the foster care system.

These problems in foster care have led states to increase residential care programs. Although residential care costs can be staggering, there is no system to see how children fare after they leave. We therefore do not know whether kids ever "get well" and re-enter their homes and communities as productive individuals.

Suggestions for strengthening the overall service system for children and youth include:

- (1) develop programs of intensive family-based services with the goal of avoiding institutionalization of a child;
- (2) create combinations of programs which keep a child's support system intact;
- (3) encourage state agencies to develop formalized agreements to clarify who will be served and in what manner;
- (4) define accountability in terms of client outcome, not agency process;
- (5) avoid residential care services that rely on locks and keys rather than programs relying on staff and treatment processes to control behavior;
- (6) encourage programs that spend at least as much of their budgets on working with the family and community support system as it does to remove a child from the home;
- (7) create a tracking system that tells what happens to

kids after they leave a placement;

(8) develop full and active treatment approaches for children and families that is driven by an individualized treatment plan;

(9) develop support systems and independent living programs for kids who will age out of the system; and

(10) encourage state agencies to find permanent homes for children no matter how old, troubled, or disabled the child is.

PUBLIC HEARING
JEFFERSON CITY, MISSOURI
SEPTEMBER 18, 1986

PRESENT

Steinmetz
Brockfeld
Nilges
Park
Shear

ABSENT

Cairns
Dougherty
Graham
Harpool
Lang

STAFF

Mertens
Schmidt
Snook

WITNESSES

Gary Sherman, Director of the Division of Youth Services
Gary Waint, President of the Missouri Juvenile Justice Association
Judge Anna Forder
Jude Donald Mason
Ken Hensieck, Chief Juvenile Officer of St. Louis County
Judge E. Richard Webber
Donald Becherer, Juvenile Court for the City of St. Louis
Victoria Martin
Betty Conyers Patton
David Sirinph

TESTIMONY --- INTERIM COMMITTEE ON CHILDREN TREATMENT SERVICES AND
CRIMINAL RECORD CHECKS.

JUVENILE JUDGES AND JUVENILE OFFICERS, SEPTEMBER 18, 1986

GARY SHERMAN, outgoing director, Division of Youth Services -

The Division of Youth Services is facing a population crisis as a result of a shortage in the number of spaces available for youths committed to its residential programs. Currently, the programs are running at 110% capacity. Even at this rate, there exists a shortage of approximately 75 spaces. With the addition of spaces on-line but not yet available, there will still remain a 35 space shortage. The ramifications of the shortage include:

(1) kids are being released prematurely, before they have had an opportunity to receive proper treatment;

(2) between 20 to 30 kids a day wait either at home or in detention for residential treatment after a judge has determined that they need such treatment;

(3) the system of classifying and segregating juveniles according to problem and need is destroyed;

(4) the ability to provide treatment within local regions is lost;

(5) county detention facilities become overcrowded with kids who cannot remain in their homes;

(6) the ability to provide after-care is burdened;

(7) the benefits of "group bonding" are not given adequate time to develop; and

(8) staff moral suffers when there is inadequate time to successfully treat kids.

A problem on the horizon may lie in the appearance of a group of kids who are more criminal than those of the past. The division should consider erecting a 20 to 30 bed facility to meet the needs of this group.

GARY WAIN, Chief Juvenile Officer, 14th Judicial Cir., and
President, Missouri Juvenile Justice Association

The passage last session of HB 1502 strikes at the foundation of the juvenile justice system. The Association favors repeal or a significant revision of the changes brought about by HB 1502.

JUDGE ANNA FORDER, St. Louis City Juvenile Court

Delivery of services to children in Missouri is done piece-meal, causing the juvenile courts to juggle to find the proper state agency to provide services. A comprehensive approach to the delivery of services would be a great improvement over the existing system.

JUDGE DONALD MASON, 16TH JUDICIAL DISTRICT

Recounted the case of R.M., which may have been the impetus

for HB 1502. R.M. had been in the system for approximately ten years, and was perceived to be a victim of "foster care drift." Judge Mason, after hearing testimony from R.M.'s caseworker and other witnesses, ordered placement in a facility outside Missouri, which appeared to be the only program offering proper treatment. R.M. subsequently entered a program, although not the one originally ordered. As a result, the Division of Family Services sought to limit the ability of juvenile judges to bypass the division's Residential Care Screening Team (RCST). RCST was created to provide uniformity in the placement of children and to assure that there was adequate funding for a placement. At the time R.M. appeared before Judge Mason, he had been awaiting treatment for approximately 22 months, during which time he was receiving no treatment services. Judge Mason perceived that RCST was not acting expeditiously, so he ordered the placement. HB 1502 has been interpreted to remove from juvenile judges the ability to order that a child be placed in a specific facility.

The concept of RCST is good, but it needs professional advice to make a proper evaluation of a child's needs and an appropriate vendor of services.

Another problem with Missouri's system is the proclivity of the Division to keep kids in foster care too long. The separation of a child from his natural family should be the last alternative, but is often the first. The result is that kids in residential treatment programs who are ready to be placed in foster care have nowhere to go, thereby creating a backlog of kids for residential treatment.

"A lousy parent is a better parent than the state of Missouri. Big brother does not make a good parent."

KEN HENSICK, St. Louis County Juvenile Court Officer

The removal of specific placement authority from juvenile courts is a mistake. The courts are in the best position to determine the best interests of a child. Responsibility for what the public perceives to be a "revolving door" of treatment for kids will be attributed to the courts, yet they will have no authority to remedy the problem.

JUDGE E. RICHARD WEBBER, President - Missouri Council of Juvenile Court Judges

The greatest problem with Missouri's treatment services system arises when an agency refuses to accept responsibility for a child. At that point, there is no one with authority to order responsibility for treatment.

DON BECHERER, St. Louis City Juvenile Court Officer -

Children with behavior problems are rejected for treatment by the Division of Family Services. The Division of Youth Services then must accept these children without resources adequate to treat their problems.

VICKI MARTIN, Supervisor, 22nd Judicial Circuit Adoptive-Foster Care Unit

Problems in the state's foster care system include:

- (1) inadequate resources directed toward children who are hard to place in foster care;
- (2) the Division of Family Services sometimes "dumps" kids back home for "extended visits"; and
- (3) all sexually abused kids need a professional evaluation upon entering the system.

BETTY PATTON, Chief Deputy Juvenile Officer, St. Louis City

In the city of St. Louis, 75 to 80 percent of the kids in foster care are black. The plight of these kids is aggravated by a policy of the Division of Family Service which discourages inter-racial placements. In addition, there already exists a shortage of black foster homes, so black kids are especially difficult to place. The division needs to adopt policies that involve more black professionals in the diagnostic/evaluative process, encourage inter-racial placements and bring more black parents into the foster program.

DAVID SIRINEK, Liberty, Missouri

Kids are being detained 10 to 14 days before being classified by the Division of Youth Services. This delay is causing the county juvenile detention centers to become overcrowded. The addition of 75 bed spaces to the division's program will not be a total solution to its problems.

WRITTEN TESTIMONY

JUDGE JOHN E. PARRISH, 26th Judicial Circuit

The policy of keeping status offenders in secure detention should be examined. Some status offenders can be as dangerous to the community or themselves and as incorrigible as law violators. Others may not need to be kept in secure facilities and may suffer adverse affects from being so kept.

DAVID W. KIERST, JR., Juvenile Commissioner, 16th Judicial Circuit

Child M. was a court ordered placement in a facility recommended by the child's caseworker and therapists -- over the objections of DFS staff in Jefferson City. The child worked well in the facility and near the time of discharge, was told that a new placement was found. After a three week delay, the division finally approved the placement, only to learn that the child had run away the previous Saturday. This case is an example of administrative issues prevailing over the real needs of a child.

RAYMOND J. GRUSH, Juvenile Officer, 11th Judicial Circuit

The Division of Youth Services faces a population crisis. The results include delayed placement, premature release and treatment outside the desired region.

The RCST is a "dismal failure and should ... be abolished." Since RCST only places "severe need" children, caseworkers are inflating the behavior instrument score to ensure that their charges are placed. As a result, the system is self-defeating. Since responsibility for evaluating and planning services rests at the local level, authority to effectuate the delivery of those services should rest at the same level.

"[T]hese are not good times to be a child in Missouri, if you act out or are acted upon." There is no system of services for children, youth or families -- only fragmented bodies vying for tight resources and thrusting off on each other whatever charges can be gotten rid of. "How many prisons ... will we need to build to pay for the sins of omission today ...?"

PUBLIC HEARING
JEFFERSON CITY, MISSOURI

SEPTEMBER 25, 1986

PRESENT

Steinmetz
Brockfeld
Cairns
Graham
Lang
Nilges
Park

ABSENT

Dougherty
Harpool
Shear

STAFF

Mertens
Schmidt
Snook

WITNESSES

Paul Dow, President of Missouri Child Care Association
Frank Burcham, Associate Executive Director of Presbyterian Children's Services
Susan S. Stepleton, Salvation Army Residence For Children
Dr. R. A. Baur, Evangelical Children's Chome
William H. Chiles, Noyes Home
Virginia Heise, The Children's Place
James L. Furgerson, Missouri Baptist Children's Home
Larry Cole
Richard Babcock, Springfield Children's Home
Susan Keller Schonhoff, Family Learning Center
William Donley, Fr. Dunne's
Joyce Holladay, Salvation Army Children's Shelter
Ed Parks, Crittenton Center
Sister Virginia Kuhn, St. Vincent's Home
Dr. Peggy Pearl

TESTIMONY --- INTERIM COMMITTEE ON CHILDREN'S TREATMENT SERVICES
AND CRIMINAL RECORD CHECKS

PROVIDERS OF RESIDENTIAL CARE, SEPTEMBER 25, 1986

PAUL DOW, President, MO Child Care Association

During the past several years, the policy of the Division of Family Services has been to provide services to the child with the most severe needs. This policy has resulted in the need for providers to upgrade services at increased costs. But DFS has failed to adhere to a provision of its contract which allows providers to include an incremental rate increase at the beginning of each contract year. DFS has taken the position that it cannot allow rate increases without specific authorization from the legislature, which has not occurred. Providers are then forced to either seek referrals from sources other than the state or to reduce amenities and non-residential services.

Non-residential services are an integral component of a true continuum of care, something sadly lacking in the state. Many facilities have the capacity to provide such services, but cannot commit the necessary resources without some assurance that the expanded services will be purchased by the state.

The crisis in residential treatment evidenced by a waiting list is illustrated by the following numbers.

Children in residential care funded by DFS as of August, 1986

Mild	Moderate	Severe	Emergency Care	Total
96	203	285	207	791

WAITING LIST

71	109	115		295
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The FY 87 budget has the capacity to fund 100 fewer children than are presently in residential treatment. A \$1.9 million supplemental appropriation would be required just to maintain the current level of care. An additional \$5.7 million would be required to care for the children on the waiting list. To fund a five percent incremental rate increase for each year since 1984 and to treat even those children on the waiting list would require an appropriation of \$24.6 million. The current appropriation is just under \$13.8 million.

These numbers do not take into account the fact that since DFS is unlikely to place mild or moderate need children, caseworkers do not even bother to recommend their placement.

Another problem confronting caseworkers is the absence of abuse and neglect definitions which apply to conduct below that of the legal standard. Vague reports of abuse and neglect have the potential to destroy careers and reputations. Caseworkers need

guidelines for these lesser forms of abuse and neglect.

Problems in the residential agency/DFS relationship include:

- (1) failure of DFS to advocate on behalf of the agencies in the appropriations process;
- (2) contract proposals, rules, regulations, and memos developed without consulting providers; and
- (3) contract proposals submitted without allowing agencies adequate response time.

FRANK BURCHAM, Associate Executive Director for Program,
Presbyterian Children's Services, Inc.

The board and administration would favor a process which makes available the criminal records of prospective employees. The requirements of previous legislation as applied to volunteers were excessive. Provisions relating to an appeal by persons denied employment because of an unfavorable check intrude into the employer/employee relationship.

The passage of HB 1502 may place the state in a position of noncompliance with the Child Welfare Act of 1980 by removing from juvenile courts the means to order appropriate care and treatment when it is found to be needed. Administrative hearings and judicial review mandated by the Act are useless if the courts have no authority to order custody and treatment.

Insurance coverage for the spectrum of providers is becoming more expensive and, in some cases, not available at all. In some instances, coverage has been reduced by two-thirds while the rate has increased by 100 percent.

A final problem confronting agencies is the entire bidding process.

As a solution to the pervasive underfunding of children's services, the General Assembly should encourage private contributions and consider retaining any increase in revenue as a result of federal tax reform.

SUSAN STEPLETON, Administrator, Salvation Army Residence for
Children, St. Louis

Recent changes in referral patterns are causing serious implications. More children are entering the residence with severe problems after waiting months for treatment beyond the time when recommended for placement. The reason for the wait was either no space was available, residential treatment funds were frozen, or a foster family was found to take the child. In every case, the child's symptomology had increased dramatically during the wait, eventually requiring expensive in-patient hospital care and medication.

Because the level and availability of services is totally inadequate, maximum efficiency of intervention is lost. This causes a later increase in costs both in human and monetary terms.

DR. R.A. BAUR, Evangelical Children's Home

This program has incurred a \$180,000 deficit as a result of a number of factors, including:

- (1) insurance costs have tripled in five years;
- (2) buildings had to be replaced;
- (3) services had to be upgraded to meet the Level III designation;
- (4) private referrals have increased dramatically as a result of DFS workers so recommending to avoid the "state hassle"; and
- (5) incremental rate increases have been withheld.

As a result of these factors, the agency has:

- (1) no longer accepted private placements;
- (2) eliminated day care services;
- (3) cut a number of other programs; and
- (4) inhibited the growth of small family group homes.

WILLIAM H. CHILDS, Executive Director, Noyes Home, St. Joseph -

There appears to be a "six-month and 18-month syndrome" in residential care. DFS workers, in an attempt to meet federal guidelines, feel tremendous pressure to have children permanently placed within 18 months, regardless of the effect on the child. In addition, the number "300" as an estimate of kids on the waiting list is far too low as a result of cases being disregarded or side-tracked because of the futility of obtaining the services.

VIRGINIA HEISE, The Children's Place, Malden, MO

The main areas of concern are:

- (1) the need for innovative and incentive programs to be put back into Purchase of Service contracting and for a Purchase of Service contract for a therapeutic day treatment program for abusive parents; and
- (2) the need to treat psychologically, socially, and health deprived children early to prevent damage and the subsequent need for more expensive treatment.

JAMES L. FURGERSON, MO Baptist Children's Home

The present licensing requirements of DFS inhibit the care of children. For example, requiring fire exit signs and enclosed stairwells may force some providers to eliminate services. In addition, requiring criminal record checks of all volunteers would be too great a burden.

LARRY COLE, Director of Youth Services, Ozark Center of Joplin

Children face a danger of falling through the cracks in treatment services because of inadequate communication between state agencies.

DICK BABCOCK, Director, Springfield Children's Home

To meet the needs of the state's children, a family court and Division of Children's Services need to be established. A continuum of services would be provided if adequate funding were assured. The bidding process seems designed to serve bureaucrats, not children.

SUSAN KELLER SCHONOFF, Family Learning Center of Cape Girardeau

Children's Treatment Services are not funded adequately. Services for family therapy and foster families need to be expanded.

WILLIAM DONLEY, Father Dunne's Newsboys Home

DFS does not request enough funds to care for mild need children. The policy of DFS to place only severe need children causes social workers to exaggerate problems and results in overtreatment of some kids to the exclusion of others.

JOYCE HOLLADAY, Salvation Army Children's Center of Kansas City -

Poverty is frequently the only reason children are removed from the custody of their parents.

ED PARKS, Crittenton Center, Kansas City -

There is a crisis in care. Providers can not afford to continue serving children and lose money for very long. Missouri needs to completely separate children's funding from the aged. Specific issues of concern include:

(1) while most residential beds are full with a waiting list, about half the beds in the metropolitan areas are estimated to be filled with kids from outside Missouri because the state pays a relatively low rate and will not increase its client population;

(2) children rejected for severe need (Level III) are in fact hospital level and should be referred to DMH for hospital care; and

(3) the bid system as a way of procuring services is meaningless when DFS places a cap on payments substantially lower than even the lowest bid.

SISTER VIRGINIA KUHN, St. Vincent Home

The number of children with severe problems as a result of sexual abuse is increasing, raising the attendant costs of care. Also, children are frequently returned home too soon. DFS needs to ensure that kids are returned to only "responsible" parents. Any agreement to return kids to their parents needs to be monitored by the courts to determine continued compliance.

PEGGY PEARL, Southwest Missouri State University -

Liability insurance is a major problem for child care agencies. The proportion of budgets allocated for insurance is often greater than that for doctors. California has forbidden insurance companies from dropping such coverage before the renewal date.

Any mandatory criminal record checks of, for example, volunteer board members would be counterproductive.

DFS does not have a Request for Proposal (RFP) to provide parent training services.

WRITTEN TESTIMONY

RONALD CULBERTSON, Branch Director, Central Baptist Family Services

The agency is concerned with the following issues:

(1) DFS, by freezing new referrals, is arbitrarily reducing or terminating services to needy families;

(2) the agency has not received a rate increase since the program started;

(3) the contract provision which specifies agencies will be reimbursed for travel on behalf of clients is not being honored because of insufficient funds. These payments could facilitate more home-based services;

(4) the St. Louis office is being subsidized this year by over \$40,000; and

(5) the costs of residential care, trauma and the long term impact of abuse could be reduced by spending more resources to prevent abuse and neglect.

PUBLIC HEARING
JEFFERSON CITY, MISSOURI

OCTOBER 2, 1986

PRESENT

Steinmetz
Brockfeld
Cairns
Lang
Nilges
Park
Shear

ABSENT

Dougherty
Graham
Harpool

STAFF

Mertens
Snook

WITNESSES

Dr. Keith Schafer, Director of the Department of Mental Health
Phyllis Rozansky, Executive Director of Citizens for Missouri's Children
Michael Rogers, St. Louis Mental Health Associate
Wilma Watson, Child Mental Health Association of Greater St. Louis
Cheryl A. Mason, Executive Director of the Children's Trust Fund
Julie A. Donnelly
Kathy Doellefeld-Clancy, Court Appointed Special Advocates
Eleanor C. Coyle, Volunteer Guardian Ad Litem Project for St. Louis City
David A. Shaller
Mary Carol Archie, St. Louis County Welfare Commission
Jerry Lenox, St. Louis County Welfare Commission
Dr. William Ferzacca, St. Louis County Welfare Commission
Marianne Bradley

TESTIMONY --- INTERIM COMMITTEE ON CHILDREN'S TREATMENT SERVICES
AND CRIMINAL RECORDS CHECKS

CHILDREN'S ADVOCATES, OCTOBER 2, 1986

PHYLLIS ROZANSKY, Executive Director, Citizens for Missouri's
Children

Problems in children's treatment services can be broken down into three major categories. Those categories and suggestions include:

(1) abuse and neglect of children -

A lack of treatment services and poverty often cause unnecessary and unjust removal of children from their homes. The majority of abused and neglected kids do not receive any purchased treatment services through CTS, nor are those that do guaranteed complete treatment.

Recommendation - the state needs to spend more money to keep families together, rather than to separate them. A program of intensive family services and an emergency foster care prevention fund are also needed. In addition, the recommendations included in the 1984 DFS study of the need for services need to be implemented.

(2) out of home placement - foster care -

The number, length of stay and transfers of kids in foster care are each increasing yearly. The resulting backlog in foster care causes excessive placements into residential care.

Recommendation - a residential care task force is needed to tackle the entire problem. The DFS appropriation should be assessed for cost effectiveness. More group homes, specialized foster homes, and programs to reduce foster parent turnover should be developed.

(3) children in poverty -

One in five children in Missouri lives in poverty. Day care is provided to less than half of the children needing it, often preventing single parents from searching for jobs. AFDC payments are inadequate to provide basic needs.

Recommendation - Missouri's standard of need should be adjusted annually to the US poverty rate. The state should expand day care to target single mothers and as a jobs programs incentive. Emergency housing assistance, expanded food stamp and WIC programs are also needed.

WILMA WATSON, Children's Council of the Mental Health Association
of Greater St. Louis

Suggestions made by the Children's Council include:

(1) place more money in early detection of children at risk of being removed from their families;

- (2) develop prevention programs such as family life education for kids under 14;
- (3) encourage the use of outdoor adventure programs;
- (4) volunteer programs similar to "big brothers and big sisters" should be created for kids and parents;
- (5) intensive family services should be encouraged;
- (6) psychological evaluations should be more broadly available;
- (7) piece-meal delivery of service should be avoided, possibly by the creation of a Department of Children's Services, and
- (9) per diem rates for residential care providers should be increased.

CHERYL MASON, Executive Director, Children's Trust Fund

To address the monetary constraints currently inhibiting provision of children's services, the legislature should:

- (1) ask DFS to prepare a budget that reflects 100 percent of need, even if it is not the budget submitted to the governor;
- (2) retain any additional revenue brought about by federal tax reform; and
- (3) encourage development of services in regions of the state where few services currently exist.

A bidding system that is flexible and encourages development of new programs should be devised by DOSS in consultation with the Division of Purchasing.

JULIE A. DONNELLY, parent of an autistic child

Among other recommendations, the state should provide financial incentives for providers serving persons with autism by reimbursing the providers for actual costs of services identified as necessary during the evaluation and program planning process, and identify one state agency to be responsible for the development of vocational programs.

KATHY DOELLEFIELD-CLANCY, Director, St. Louis CASA program, National Council of Jewish Women, St. Louis Council on Child Abuse and Neglect

"... [W]e are becoming increasingly alarmed at what is appearing ..., in the child welfare system in Missouri, to come very dangerously close to institutional neglect." Seventy percent of DFS clients need direct services, but less than seven percent actually receive those services. When children come into "care" but are only removed from the home with nothing provided, one must ask "Are we doing more harm than good?"

Suggestions for improving the system include:

- (1) return to the juvenile courts the power to order placements in specific facilities;
- (2) appropriations should be increased to meet actual needs, not an arbitrary budget number;

(3) a social services commission should be created with the power to hire and fire the director of the department; and

(4) pay and qualifications of department employees and foster parents should be up-graded.

ELENOR COYLE, Volunteer - Guardian ad litem Project, City of St. Louis

The St. Louis foster care system is in a crisis caused by lack of money and personnel, loss of foster parents and inadequate children's services. Children in poverty are much more likely to be placed in foster care merely because they are poor. Forty percent of the kids in foster care are there because of inadequate housing. The average caseload of a DFS worker in St. Louis is 78 children.

DAVID A. SHALLER, Attorney

Litigation is pending seeking to clarify the authority of juvenile court judges to order specific placements.

MARY CAROL ARCHIE, St. Louis County Welfare Commission

Discussions with DFS staff workers produced the following suggestions;

- (1) keep caseloads of caseworkers at a maximum of 25;
- (2) provide on-going training which improves worker effectiveness and moral; and
- (3) provide support for community programs that treat and prevent abuse.

JERRY LENNOX, St. Louis County Welfare Commission

There is a desperate need for good foster homes in St. Louis County and the entire state. Five hundred and eighty three families dropped out of the system last year as a result of inadequate children's services. Most importantly, many of the families are working couples or single parents who need day care services. While state payments for room, board, clothing and incidentals total \$171 per month, the average monthly cost of day care is about \$200.

Foster parents are also lost as a result of inappropriate placements. Kids in need of residential care are often placed in foster care because there are no spaces available in residential facilities. As a result, foster parents are overwhelmed with problems they are not prepared to handle, and the child is further damaged by repeated rejection.

WILLIAM FERZACCA, St. Louis County Welfare Commission

As agencies become more skilled in keeping families together and in preventing removal of children, those who are removed will necessarily be more severely damaged. There is a need for centers to conduct short term diagnostic evaluations to assess needs and

recommend appropriate placement. The evaluation costs at these centers would be \$200 to \$300 per day below that of private hospitals.

Felony record checks are distasteful and unnecessary. If they are done, they should be done on all persons in a position to abuse a child - a teacher, priest, minister and boy scout leader were all indicted within the last year.

MARIANNE BRADLEY, St. Louis, MO

Records should be mandatory and done uniformly on any person responsible for supervising children.

WRITTEN TESTIMONY -

ALICE LEVY, Chairman, Children and Youth Committee, National Council of Jewish Women

The passage of HB 1502 will throw child disposition into chaos. The Council would like to see the bill quickly revised to authorize judicial placement of children needing residential treatment services.

CHRISTINE PIERCE, Citizens Helping Abused and Neglected Children Endure -

CHANCE makes the following suggestions:

- (1) children should have a separate agency to represent their interests;
- (2) the confidentiality of the family court should not be a shield to protect the abuser;
- (3) parents of abused and neglected children should have to prove that they really want their children;
- (4) mothers who receive child support or AFDC should have to verify that they are spending the money on their children;
- (5) the system should not place rehabilitation rights of the offender above the rights of the victim;
- (6) agreeing to counseling alone should not be the criterion for returning a child to an abusive parent;
- (7) government as well should not be able to escape responsibility as a result of the confidentiality laws;
- (8) social workers should not call abusers to warn them of a visit;
- (9) protection of a child should be the highest priority, then rehabilitation of the abuser; and
- (10) agencies should break the cycle of abuse by focusing resources on children.

DR. ROBERT B. REYNOLDS, Professional Mental Health, Ltd.

The biggest problem is that not enough funds have been appropriated to pay for services identified as needed. It is very distressing for a professional to see severely abused kids

recommended for residential treatment, only to find that the needed services cannot be obtained promptly.

MRS. CLYDIE JOHNSON, St. Louis, MO

Many kids have learned to call the child abuse hot-line themselves, seeking to have DFS transfer them from a particular agency or foster family. DFS personnel should therefore consider social and case histories before deciding to transfer a child based on an anonymous hot-line report.

PUBLIC HEARING
JEFFERSON CITY, MISSOURI

OCTOBER 9, 1986

PRESENT

Steinmetz
Brockfeld
Cairns
Lang
Shear

ABSENT

Dougherty
Graham
Harpool
Nilges
Park

STAFF

Mertens
Schmidt
Snook

WITNESSES

Ann Lieb-Frawley, Foster Care and Adoption Association of Greater St. Louis
Ray Hicks
Joseph W. Belcher, Jr., Missouri Foster Care and Adoption Association

TESTIMONY --- INTERIM COMMITTEE ON CHILDREN'S TREATMENT SERVICES
AND CRIMINAL RECORD CHECKS

FOSTER AND ADOPTIVE PARENTS, OCTOBER 9, 1986

ANN FRAWLEY, Foster Care and Adoptive Association of Greater St. Louis

A decrease in the number of foster homes, accompanied by an increase in the number of children entering foster care has created a crisis in the state foster care system. In the past five years, DFS policies, workers and internal changes have caused the system to lose parents at an alarming rate. In St. Louis County alone, there was a net loss of 21 foster homes between January 1 and August 31 of this year. Other than for personal problems, the reasons most often cited for withdrawal include:

(1) lack of support from DFS personnel

Foster parents often do not receive copies of a child's care plan, nor are they given notice of the opportunity to participate in the six-month permanency planning review. Foster parents should be recognized as members of the foster-care team and should provide input into decisions regarding the future of a child;

(2) unworkable policies

DFS policies regarding racial and sibling placements cause unnecessary moves. Policies on corporal punishment should reflect the input of a foster parent advisory board;

(3) liability insurance

Foster parent liability insurance has become unavailable in the past year.

(4) grievance procedure

The current grievance procedure is time consuming, costly and ineffective because the decision-maker is often not impartial. The process should take less than two months, and in cases where a foster parent appeals a decision to move a child, the child should remain in the home pending a final decision unless there is evidence that the child is in danger; and

(5) inadequate funding

Inadequate funding for counseling, day care and necessary incidentals limits the number of families financially able to provide foster care.

JOE BELCHER, MO Foster Care and Adoption Association

A grievance procedure advisory board on punishment policy has yet to meet. DFS, in an apparent conflict of interest, has appointed the members of the board. The current procedure seems to place pursuit of policy above the best interests of the child.

BUFFY ATKINS, foster parent, Columbia

The foster care system needs to improve its permanency planning procedures. Very few parents are willing to take a foster child into their family knowing that that child could be moved without having any voice in the decision.

CAROL BEALS, foster parent, Palmyra

While the number of child abuse and neglect reports and alternative care cases have increased dramatically, the number of social service workers in the county offices is declining. This causes:

- (1) lack of contact;
- (2) foster care drift;
- (3) absence of written case plans;
- (4) inadequate number of foster homes;
- (5) lack of information;
- (6) inaccurate information; and
- (7) other internal DFS problems.

LINDA LANDIS, foster parent, Carrollton

Personal experience with a foster child in residential care has raised the following concerns:

- (1) children in residential care can be unduly isolated from family and friends;
- (2) children are abruptly removed from foster homes without any preparation or pre-placement visits to the facility;
- (3) persons working with the child often receive inadequate information from residential care facilities on the child's treatment program;
- (4) foster children are not visited regularly by DFS workers while in residential care;
- (5) children are not informed about their treatment program, causing unnecessary anxiety and stress;
- (6) some residential facilities lock children up as a method of disciplining the child;
- (7) education of the child is frequently disrupted while in residential care;
- (8) nonviolent children are often placed in detention with youth offenders while awaiting treatment; and
- (9) children in residential care wait longer for adoption than children in foster homes because some facilities require that adoptive parents take part in extensive treatment programs. This means adoptive parents must live near the facility, thereby limiting the pool of potential parents.

GEORGE B. KAVANAUGH, foster parent, Columbia

The state is far too lenient in its standards for terminating parental rights. Natural parents should have nine months from the time a child becomes a ward of the state in which to take steps to

meet their responsibilities as parents. If they fail to do so, parental rights should be terminated and the child should be quickly made available for adoption.

PUBLIC HEARING
JEFFERSON CITY, MISSOURI
OCTOBER 16, 1986

PRESENT

Steinmetz
Cairns
Graham
Lang
Nilges
Park
Shear

ABSENT

Brockfeld
Dougherty
Harpool

STAFF

Mertens
Schmidt
Snook

WITNESSES

Barbara Wagner
Colleen Prchal, Salvation Army Residence for Children
Donald Checkett, Executive Director of Child Day Care Association of St. Louis
Anna Walker
Joyce Schmidt
Elbert Davis, Interfaith Community Services, Inc.
Margaret Cossette, Missouri Home Care
Rebecca McQuage, Tri-County Human Development Corporation
Versie L. Howard

TESTIMONY --- INTERIM COMMITTEE ON CHILDREN'S TREATMENT SERVICES
AND CRIMINAL RECORD CHECKS

•DAY CARE PROVIDERS, CHILD CARE PROVIDERS AND CARETAKERS,
OCTOBER 16, 1986

BARBARA WAGNER, Director, University City Children's Center

The state payment of \$7 a day for child care does not meet the actual costs of \$17 per day. There is also a need to increase funding for therapy, medical services, counseling, etc. The National Association for the Education of Young Children supports reference checks to ensure employment of appropriate personnel.

COLLEEN PRCHAL, Program Director, Salvation Army Residence for Children, St. Louis City

Title XX and protective services payments need to be increased. State funds should also be more readily available for those deemed eligible. Service freezes should be eliminated, and all programs that involve young people should be uniformly licensed to ensure health and safety standards are being met.

DON CHECKETT, Child Day Care Centers Association

Any law which attempts to screen adults who work with children but applies only to licensed day care centers would be ineffective -- and probably unconstitutional. The association offers the following suggestions:

- (1) the ability of DFS to prohibit continued employment based on "reasonable cause" is a substantial deterrent and should be continued;
- (2) every day care business should be licensed;
- (3) training should be provided for home providers;
- (4) DFS should have adequate resources to enforce its licensing regulations; and
- (5) payment rates should be increased to improve the quality of workers.

To increase the availability of day care, the state should:

- (1) target centers in low income areas and grant service contracts that assure the continued existence and financial stability of the the centers (by guaranteeing that the state will purchase a minimum number of days of care);
- (2) increase the daily rates for day care.
Illinois currently pays \$11.45 per day compared to Missouri's \$7.
- (3) increase total day care appropriations to \$20 million per year. Again, Illinois will spend \$50 million per year compared to Missouri's \$10.5 million;
- (4) pay higher rates to day care centers in relation to

day care homes based on higher overhead costs;

(5) provide realistic annual rate increases based on the rate of inflation;

(6) create a special low interest loan fund to pay start up costs for businesses that wish to provide on-site employee day care services; and

(7) grant a tax exemption to businesses that provide day care services or benefits.

ANNA WALKER, parent

Programs which treat special needs children early are cost effective when compared to the cost of treating children later after problems are allowed to exacerbate.

JOYCE SCHMIDT, Director, Children's Depo, Inc.

Inappropriate placements in foster care are extremely costly in terms of human loss and the loss of foster parents. Children are remaining in foster care far too long because the process of terminating parental rights takes too long. Foster parents need incentives and training to ensure that they remain in the system.

Day care centers could benefit from a state funded insurance plan, and by extending the duration of a license for two years.

ELBERT (Buddy) DAVIS, Coordinator of Youth Services, Interfaith Community Services, Inc.

A "freeze" in day care payments places a serious burden on providers because facilities are left with unused capacity which does not contribute to overhead costs. An additional burden faces facilities which choose to become licensed because unlicensed facilities can have lower costs.

MARGARET COSSETTE, Missouri Home Care, Rolla

The state needs to study the cost-effectiveness of providing preventive services to families. Families may respond better to aides with minimal training because the aides are not seen as "outsiders".

REBECCA McQUAGE, Tri-County Human Development Corporation

Children's services need to be expanded in southeast Missouri. In particular, diagnostic, evaluative and counseling services are in great need.

The lower costs incurred by unlicensed providers places those licensed at a cost disadvantage. Any mandatory record check of employees would be difficult to implement.

VESSIE HOWARD, day care provider

Southwest Missouri lacks sufficient facilities to provide adequate day care services for black children. Child sexual abuse

is frequently not considered abnormal among the poor, who take part in such conduct to reassure themselves of control over some aspect of their lives.

WORK SESSION
FLORISSANT, MISSOURI
NOVEMBER 20, 1986

PRESENT

Steinmetz
Cairns
Lang
Nilges
Park
Shear

ABSENT

Brockfeld
Dougherty
Graham
Harpool

STAFF

Busch
Mertens
Schmidt
Snook

WITNESSES

Dr. Keith Schafer, Director of the Department of Mental Health
James Moody, Acting Director of the Department of Social Services
William Siedhoff, Acting Director of the Division of Family Services
Al Gage, Director of the Division of Youth Services
Melody Emmert, Deputy Director of the Division of Family Services
Linda Roebuck, Coordinator for the Division of Mental Health
Vicky Weimholt, Deputy Director of the Division of youth Services
Jane Belanger, Regional Administrator of the Division of Youth Services
Judge Anna Forder
Judge Tony Heckemeyer
Geoffrey Allen
Vicki Martin, Supervisor in the St. Louis City Juvenile Court
Gary Waint, Missouri Juvenile Justice Association
Robert Perry, Boone County Juvenile Officer
Marie Dargan, Chief Deputy Juvenile Officer for St. Louis County
Joseph Belcher, Jr., Missouri Foster Care Association
JoAnna O'Neill, Foster Parent
Laurie Johnson, Foster and Adoptive Parents of Greater St. Louis
Phyllis Rozansky, Executive Director of Citizens for Missouri's Children
Dr. Peggy Pearl
Susan Schonhoff, Director of Family Learning Center
Representative Mary Kasten
Dr. Gary Baker, President of Crittenton
Richard Babcock, Director of Springfield Children's Home
Sue Stepleton, Director of the Salvation Army Residence for Children

AN ACT

To repeal sections 211.181, 211.182, 211.183, 219.021, and 219.026, RSMo 1986, relating to treatment services for certain children, and to enact in lieu thereof eleven new sections relating to the same subject.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Sections 211.181, 211.182, 211.183, 219.021, and 219.026, RSMo 1986, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 1, 2, 3, 210.541, 210.543, 210.545, 211.083, 211.181, 211.183, 219.021 and 219.026, to read as follows:

Section 1. The general assembly hereby reaffirms its position that the family unit is the fundamental resource of American life which should be nurtured and that the family unit should remain intact in the absence of compelling evidence to the contrary. The general assembly therefore declares that the goal of serving emotionally disturbed and mentally ill children, potentially dependent children, and families in conflict within their own homes is to avoid out of home placements of children, when that form of care is premature, unnecessary or inappropriate, and is a high priority of this state.

Section 2. 1. The legislature reaffirms that the family unit is the fundamental resource of American life which should be nurtured and that the family unit should remain intact in the absence of compelling evidence to the contrary. The legislature declares that the goal of serving emotionally disturbed and mentally ill children, potentially dependent children, and families-in-conflict in their own homes to avoid out-of-home placement of the child, when that form of care is premature, unnecessary, or inappropriate, is a high priority of this state.

2. The department of social services shall address the needs

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

of emotionally disturbed and mentally ill children, potentially dependent children, and families-in-conflict by:

(1) Serving children and families as a unit in the least restrictive setting available and in close proximity to the family home, consistent with the best interests and special needs of the child;

(2) Insuring that appropriate social and health services are provided to the family unit both prior to the removal of a child from the home and after family reunification;

(3) Developing and implementing comprehensive, preventive, and early intervention social and health services which have demonstrated the ability to delay or reduce the need for out-of-home placements and ameliorate problems before they become chronic or severe;

(4) Developing coordinated social and health services which:

(a) Identify problems experienced by children and their families early and provide services which are adequate in availability, appropriate to the situation, and effective;

(b) Seek to bring about meaningful change before family situations become irreversibly destructive and before disturbed psychological behavioral patterns and health problems become severe or permanent;

(c) Serve children and families in their own homes thus preventing unnecessary out-of-home placement or institutionalization;

(d) Focus resources on social and health problems as they begin to manifest themselves rather than waiting for chronic and severe patterns of illness, criminality, and dependency to develop which require long-term treatment, maintenance, or custody;

(e) Reduce duplication of and gaps in service delivery;

(f) Improve planning, budgeting, and communication among all units of the department serving children and families; and

(g) Develop outcome standards for measuring the effectiveness of social and health services for children and families.

Section 3. The department of social services, the department of mental health, the division of youth services, and the division of family services shall cooperate with the commission to each prepare a detailed, comprehensive plan by the year 2000 to implement the broad goals contained in section 1 of this act. Each such department or division shall cooperate with the commission to develop a specific plan which shall be made available to the governor and the members of the general assembly by December 1, 1988.

210.541. 1. Prior to receiving a license to be a foster parent, all prospective foster parents shall complete a foster parent training course of at least twelve hours. Such course shall, at a minimum, provide the foster parent with:

- (1) Knowledge of the structure of the agency;
- (2) The role of the caseworker and the foster parent's relationship with the caseworker;
- (3) Applicable regulations of the division of family services;
- (4) The special needs of foster children;
- (5) The need to work with the natural parents; and
- (6) The availability and importance of utilizing medical, dental, educational and other community resources.

2. All foster parents shall receive at least ten hours of in-service foster parent training per year. No foster parent's license shall be renewed unless such foster parent has completed the requisite number of hours of training.

3. The training required by this section shall be provided at no cost to the foster parent.

210.543. The division of family services shall train and license a separate category of foster parents who are able to provide special care and supervision to foster children who have special needs because of a history of sexual abuse, serious physical abuse, or severe chronic neglect. The training received by such specialized foster parents shall be in addition to the training required in section 210.540.

210.545. 1. Each local office of the division of family services shall establish a program of respite care facilities in the county which may be utilized by foster parents licensed by the division. Such licensed foster parents shall be permitted to leave agency foster children in the respite care facilities for periods of time not to exceed forty-eight hours.

2. Such respite care facilities may be licensed day care centers or residential treatment centers who have contracted with the division to provide such services. Licensed foster homes may also be designated as respite care facilities.

3. The division of family services shall promulgate rules and regulations necessary to implement the provisions of this section.

211.083. Whenever an informal adjustment is made under the provisions of section 211.081, the juvenile court may allow the child:

(1) To make restitution or reparation for the damage or loss caused by his offense. Any restitution or reparation shall be reasonable in view of the child's ability to make payment or perform the reparation. The court may require the clerk of the circuit court to act as receiving and disbursing agent for any payment agreed upon;

(2) To complete a term of community service under the supervision of the court or an organization selected by the court. Every person, organization, and agency, and each employee thereof, who supervises a child under this subdivision, or who benefits from any services performed under this subdivision as a result of an informal adjustment, shall be immune from any suit by the child performing services under this subdivision, or any person deriving a cause of action from such child, if such cause of action arises from the supervision of the child's performance of services under this subdivision and if such cause of action does not arise from an intentional tort. A child performing services under this subdivision shall not be deemed an employee within the meaning of the provisions of chapter 287, RSMo, nor shall the services of such child be deemed employment within the meaning of the provisions of chapter 288, RSMo.

211.181. 1. When a child is found by the court to come within the applicable provisions of subdivision (1) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child and the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his own home or in the custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes; except that, such child may not be committed to the department of social services,

division of youth services;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive the child in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child in a family home;

(4) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state.

2. When a child is found by the court to come within the provisions of subdivision (2) of subsection 1 of section 211.031, the court shall so decree and upon making a finding of fact upon which it exercises its jurisdiction over the child, the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or place them in family homes; except that, a child may be committed to the department of social services, division of youth services, only if he is presently under the court's supervision after an adjudication under the provisions of subdivision (2) or (3) of subsection 1 of section 211.031;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive it in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child in a family home;

(4) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care, except that nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state.

Execution of any order entered by the court pursuant to this subsection, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed.

3. When a child is found by the court to come within the provisions of subdivision (3) of subsection 1 of section 211.031,

the court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child and the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive it in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child in a family home;

(4) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care, except that nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(5) Suspend or revoke a state or local license or authority

of a child to operate a motor vehicle;

(6) Order the child to make restitution or reparation for the damage or loss caused by his offense. In determining the amount or extent of the damage, the court may order the juvenile officer to prepare a report and may receive other evidence necessary for such determination. The child and his attorney shall have access to any reports which may be prepared, and shall have the right to present evidence at any hearing held to ascertain the amount of damages. Any restitution or reparation ordered shall be reasonable in view of the child's ability to make payment or to perform the reparation. The court may require the clerk of the circuit court to act as receiving and disbursing agent for any payment ordered;

(7) Order the child to a term of community service under the supervision of the court or of an organization selected by the court. Every person, organization, and agency, and each employee thereof, charged with the supervision of a child under this subdivision, or who benefits from any services performed as a result of an order issued under this subdivision, shall be immune from any suit by the child ordered to perform services under this subdivision, or any person deriving a cause of action from such child, if such cause of action arises from the supervision of the child's performance of services under this subdivision and if such cause of action does not arise from an intentional tort. A child ordered to perform services under this subdivision shall not be deemed an employee within the meaning of the provisions of chapter 287, RSMo, nor shall the services of such child be deemed employment within the meaning of the provisions of chapter 288, RSMo.

Execution of any order entered by the court, including a commitment to any state agency, may be suspended and the child

placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed.

4. Notwithstanding any other provision of the law to the contrary, the department of social services or any of its divisions having custody of a child shall determine a treatment plan and provide services to children within their legal custody. However, such treatment plan shall be developed by a professional evaluation team for:

- (1) Any child who has been sexually abused;
- (2) Any child who has been seriously physically abused; and
- (3) Any child who, in the discretion of the juvenile court, could benefit from a treatment plan developed by a professional evaluation team.

Such professional evaluation team shall consist of a representative from the department of social services or any of its divisions having custody of the child, a representative from the department of mental health, a juvenile officer, a psychologist or psychiatrist who has had an opportunity to interview the child and study any social history of the child obtained by the juvenile court or the department of social services, and any other person appointed to the team by the juvenile court judge.

211.183. 1. In juvenile court proceedings regarding the removal of a child from his home, the order of disposition shall include a determination of whether the division of family services has made reasonable efforts to prevent or eliminate the need for removal of the child and, after removal, to make it possible for the child to return home. If the first contact with the family occurred during an emergency in which the child could not safely remain at home even with reasonable in-home services,

the division shall be deemed to have made reasonable efforts to prevent or eliminate the need for removal.

2. [For purposes of this section, "reasonable efforts" shall mean the exercise of ordinary diligence and care by the division and shall assume the availability of a reasonable program of services to children and their families.] "Reasonable efforts" means the exercise of reasonable diligence and care by the responsible state agency to utilize all available services related to meeting the needs of the juvenile and the family. The state agency shall have the burden of demonstrating reasonable efforts.

3. In support of its determination of whether reasonable efforts have been made, the court shall enter findings, including a brief description of what preventive or reunification efforts were made and why further efforts could or could not have prevented or shortened the separation of the family. The division shall have the burden of demonstrating reasonable efforts.

4. The juvenile court may authorize the removal of the child even if the preventive and reunification efforts of the division have not been reasonable, but further efforts could not permit the child to remain at home.

[211.182. 1. When a child is found by the court to come within the provisions of subdivision (2) of subsection 1 of section 211.031, the court shall so decree and upon make a finding of fact upon which it exercises its jurisdiction over the child, the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or place them in family homes; except that, a child may be committed to the department of social services, division of youth services, only if he is presently under the court's

supervision after an adjudication under the provisions of subdivision (2) or (3) of subsection 1 of section 211.031;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive it in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child in a family home;

(4) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care, except that nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state.

2. When a child is found by the court to come within the provisions of subdivision (2) of subsection 1 of section 211.031, the court shall so decree and upon making a finding of fact upon which it exercises its jurisdiction over the child, the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or place them in family homes; except that, a child may be committed to the department of social services, division of youth services, only if he is presently under the court's supervision after an adjudication under the provisions of subdivision (2) or (3) of subsection 1 of section 211.031;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive it in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child in a family home;

(4) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care, except that nothing contained herein authorizes any form of compulsory medical, surgical, or

psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state.

Execution of any order entered by the court pursuant to this subsection, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed.

3. When a child is found by the court to come within the provisions of subdivision (3) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child and the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive it in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child in a family home;

(4) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care, except that nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(5) Suspend or revoke a state or local license or authority of a child to operate a motor vehicle;

(6) Order the child to make restitution or reparation for the damage or loss caused by his offense. In determining the amount or extent of the damage, the court may order the juvenile officer to prepare a report and may receive other evidence necessary for such determination. The child and his attorney shall have access to any reports which may be prepared, and shall have the right to present evidence at any hearing held to ascertain the amount of damages. Any restitution or reparation ordered shall be reasonable in view of the child's ability to make payment or to perform the reparation. The court may require the clerk of the circuit court to act as receiving and disbursing agent for any payment ordered;

(7) Order the child to a term of community service under the supervision of the court or of an organization selected by the court. Every person, organization, and agency, and each employee thereof, charged with the supervision of a child under this subdivision, or who benefits from any services performed as a result of an order issued under this subdivision, shall be immune from any suit by the child ordered to perform services under this subdivision, or any person deriving a cause of action from such child, if such cause of action arises from the supervision of the child's performance of services under this subdivision and if such cause of action does not arise from an intentional tort. A child ordered to perform services under this subdivision shall not be deemed an employee within the meaning of the provisions of chapter 287, RSMo, nor shall the services of such child be deemed employment within the meaning of the provisions of chapter 288, RSMo. Execution of any order entered by the court, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed.

4. Notwithstanding any other section of chapter 211, the department of social services or any of its divisions having custody of a child shall determine a treatment plan and provide services to the children within their legal custody. The court shall not order any specific treatment plan nor order payment or services to be provided contrary to subdivision (17) of subsection 1 of section 207.020, RSMo. The court may, upon application at any time by the division of family services, relieve the division of family services of custody, care or supervision of any child for whom the division of family services cannot provide adequate care, treatment or services.]

219.021. 1. Except as provided in subsections 2 and 3 of this section, any child over twelve years of age may be committed to the custody of the division when the juvenile court determines a suitable community based treatment service does not exist, or has proven ineffective; and when the child is adjudicated pursuant to the provisions of subdivision (3) of subsection 1 of section 211.031, RSMo, or when the child is adjudicated pursuant to subdivision (2) of subsection 1 of section 211.031, RSMo, and is currently under court supervision for adjudication under subdivision (2) or (3) of subsection 1 of section 211.031, RSMo. All children committed to the custody of the division shall be

committed for an indeterminate period of time except that the division shall not keep any child beyond his eighteenth birth date. Notwithstanding any other provision of law to the contrary, the committing court shall review the treatment plan to be provided by the division. No child committed to the custody of the division shall be released on aftercare supervision pursuant to section 219.026 without prior approval by the committing court.

2. No child who has been diagnosed as having a mental disease or a communicable or contagious disease shall be committed to the division; except the division may, by regulation, when facilities for the proper care and treatment of persons having such diseases are available at any of the facilities under its control, authorize the commitment of children having such diseases to it for treatment and training in such institution. Notice of any such regulation shall be promptly mailed to the judges and juvenile officers of all courts having jurisdiction of cases involving children.

3. When a child has been committed to the division, the division shall forthwith examine the individual and investigate all pertinent circumstances of his background for the purpose of facilitating the placement of the child in the most appropriate program or residential facility to assure the public safety and the rehabilitation of the child; except that, no child committed under the provisions of subdivision (2) of subsection 1 of section 211.031, RSMo, may be placed in the state training schools or regional facilities at Boonville or Chillicothe or in the W. E. Sears Youth Center at Poplar Bluff, or the Hogan Street Regional Youth Center at St. Louis, unless the juvenile is subsequently adjudicated under subdivision (3) of subsection 1 of section 211.031, RSMo.

4. The division may transfer any child under its jurisdiction to any other institution for children if, after careful study of the child's needs, it is the judgment of the division that the transfer should be effected. If the division determines that the child requires treatment by another state agency, it may transfer the physical custody of the child to that agency, and that agency shall accept the child if the services are available by that agency.

5. The division shall make periodic reexaminations of all children committed to its custody for the purpose of determining whether existing dispositions should be modified or continued. Reexamination shall include a study of all current circumstances of such child's personal and family situation and an evaluation of the progress made by such child since the previous study. Reexamination shall be conducted as frequently as the division deems necessary, but in any event, with respect to each such child, at intervals not to exceed six months. Reports of the results of such examinations shall be sent to the child's committing court and to his parents or guardian.

6. Failure of the division to examine a child committed to it or to reexamine him within six months of a previous examination shall not of itself entitle the child to be discharged from the custody of the division but shall entitle the child, his parent, guardian, or agency to which the child may be placed by the division to petition for review as provided in section 219.051.

7. The division is hereby authorized to establish, build, repair, maintain, and operate, from funds appropriated or approved by the legislature for these purposes, facilities and programs necessary to implement the provisions of sections 219.011 to 219.086. Such facilities or programs may include, but

not be limited to, the establishment and operation of training schools, maximum security facilities, park camps, regional facilities, group homes, family foster homes, aftercare, counseling services, educational services, and such other services as may be required to meet the needs of children committed to it. The division may terminate any facility or program no longer needed to meet the needs of children.

8. The division may institute day release programs for children committed to it. The division may arrange with local schools, public or private agencies, or persons approved by the division for the release of children committed to the division on a daily basis to the custody of such schools, agencies, or persons for participation in programs.

9. The division may establish and offer on-the-job vocational training to develop work habits and equip children committed to it with marketable skills. Such training shall not exceed eight hours per day. The division may provide for the payment of reasonable wages or allowances for work or tasks performed by a child committed to the division. For any work performed by a child committed to the division in any state park or park work camp, the state park board is hereby authorized, out of appropriations made to it, to pay wages not in excess of fifteen dollars per month to each child. All funds paid to the child in accordance with this section shall be deposited with the director and not less than one-half of this amount shall be paid monthly to the child. The balance of such funds shall be held in trust by the director for payment to the child at the time of his release from a facility.

219.026. 1. Subject to the provisions of subsection 1 of section 219.021, the division is authorized to release on aftercare supervision children committed to its control; to

impose conditions upon which aftercare supervision is granted; to revoke and terminate aftercare supervision; and to discharge from legal custody. With respect to any child who has been placed on aftercare supervision, if in the opinion of the child's aftercare supervisor or a designated employee of the division the child is in substantial violation of the terms and condition of his release, such employee may

(1) Notify the child and his parents or guardian of a hearing to determine if there is reasonable grounds to believe the child has violated the conditions of his release; and may also

(2) Take the child immediately into custody and place him in an appropriate residential child caring facility or detention facility or other appropriate program until a prompt determination as to the child's future care and treatment is made by the director, if the employee has reason to believe that permitting the child to remain in his own home would be dangerous to him or to the community or that the child is about to flee the jurisdiction of the court.

2. The hearing [hereinabove] referred to in subdivision (1) of subsection 1 of this section shall be heard by an employee designated by the director, but not the employee requesting the hearing, and shall afford the child and his parents or guardian and their legal counsel, if any, full opportunity to be heard and to present any information as may be deemed relevant and shall be held as near as practicable to the child's county or residence.

3. The child or his parents or guardian may request a rehearing before the director as provided in section 219.051.

4. When called upon by any designated employee of the division, all peace officers shall assist in taking a child into custody pursuant to the provisions of this section.

5. All law enforcement agencies shall detain, upon request, children alleged by the division to have violated the conditions of aftercare supervision pending return of the child to the division. Detention of the child shall be in an appropriate facility and until a hearing is held, but in no event, longer than ten days.

6. The division shall terminate the supervision of any child placed on aftercare supervision upon determining the child is no longer in need of supervision or upon his eighteenth birthday. The division shall immediately notify in writing the child, his parents or guardian and the committing court of the termination of its supervision over the child.

AN ACT

To repeal section 491.675, RSMo 1986, relating to the protection of certain child victims, and to enact in lieu thereof twenty-three new sections relating to the same subject, with penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Section 491.675, RSMo 1986, is repealed and twenty-three new sections enacted in lieu thereof, to be known as sections 491.675, 491.696, 491.699, 491.702, 491.705, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, to read as follows:

491.675. The provisions of sections 491.675 to [491.693] 491.705 shall be known and may be cited as the "Child Victim Witness Protection Law".

491.696. For purposes of sections 491.696 to 491.705, the term "child" means a person seventeen years of age or under who is the alleged victim of sexual abuse, physical abuse, or neglect as such terms are defined in section 210.110, RSMo.

491.699. 1. Upon the motion of the juvenile officer, the court may order that an in-camera videotaped recording of the testimony of the alleged child victim be made for use as substantive evidence at a juvenile court hearing held pursuant to the provisions of chapter 211, RSMo.

2. In determining whether or not to allow such motion, the court shall consider the elements of the offense charged and the emotional or psychological trauma to the child if required to testify in open court or to be brought into the personal presence of the alleged perpetrator. Such recording shall be retained by the juvenile officer and shall be admissible in lieu of the child's personal appearance and testimony at juvenile

EXPLANATION--Matter enclosed in bold-faced brackets [] in this bill is not enacted and is intended to be carried forward.

court hearings. A transcript of such testimony shall be made as soon as possible after the completion of such deposition and shall be provided to all parties to the action.

3. The court shall preside over the depositions, which shall be conducted in accordance with the rules of evidence applicable to civil cases.

4. The attorney for the alleged perpetrator shall have at least two opportunities to cross-examine the deposed alleged child victim.

5. Prior to the taking of the deposition which is to be used as substantive evidence at the hearing pursuant to sections 491.696 to 491.705, the attorney for any party to the action shall be provided with such discoverable materials and information as the court may, on motion, direct; shall be afforded a reasonable time to examine such materials; and shall be permitted to cross-examine the child during the deposition.

6. If the alleged perpetrator is not represented by counsel and if, upon inquiry, it appears to the court that he or she will be unable to obtain counsel within a reasonable period of time, the court shall appoint the public defender or other counsel to represent the alleged perpetrator at the deposition.

491.702. 1. On motion of the prosecuting attorney, the court may exclude the alleged perpetrator from any or all deposition proceedings at which the child is to testify. However, where any such order of exclusion is entered, the child shall not be excused as a witness until the alleged perpetrator has had a reasonable opportunity to review the videotape ~~deposition~~ in private with his counsel and to consult with his counsel; and until his counsel has been afforded the opportunity to cross-examine the child following such review and consultation.

2. The court may also order, on motion of the prosecuting attorney, during all predeposition procedures, recesses, and post-deposition matters that the child be sequestered from the view and presence of the alleged perpetrator.

3. In no event shall the child's videotaped testimony be admitted into evidence until the alleged perpetrator and his attorney have been afforded a reasonable opportunity to review the videotape in private in the presence of each other.

491.705. 1. At any time prior to a hearing, and for good cause shown, the court may, upon motion of any party, order a videotaped reexamination of the child where the interests of justice so require.

2. All testimony taken under sections 491.696 to 491.705 shall be under oath.

Section 1. Sections 1 to 16 of this act shall be known and may be cited as the "Child Protection Orders Act".

Section 2. As used in sections 1 to 16 of this act, the following terms mean:

(1) "Abuse", any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by an adult household member, except that discipline including spanking, administered in a reasonable manner shall not be construed to be abuse;

(2) "Adult household member", any person eighteen years of age or older who resides with the child in the same dwelling unit;

(3) "Child", any person under eighteen years of age;

(4) "Court", the circuit or associate circuit court of the state of Missouri;

(5) "Ex parte order of protection", an order of protection issued by the court before the respondent has received notice of

the petition or an opportunity to be heard on it;

(6) "Full order of protection", an order of protection issued after a hearing on the record where the respondent has received notice of the proceedings and has had an opportunity to be heard;

(7) "Order of protection", either an ex parte order of protection or a full order of protection;

(8) "Petitioner", a person authorized to file a verified petition under the provisions of sections 3 and 4 of this act;

(9) "Respondent", the household member against whom a verified petition has been filed;

(10) "Victim", a child who is alleged to have been abused by an adult household member.

Section 3. 1. A petition for an order of protection for a child shall be filed in the county where the child resides, where the alleged incident of abuse occurred, or where the respondent may be served.

2. Such petition may be filed by any of the following:

(1) A parent or guardian of the victim;

(2) A guardian ad litem appointed for the victim; or

(3) The division of family services.

Section 4. 1. An order of protection for a child who has been subject to abuse by a present or former adult household member may be sought under sections 1 to 16 of this act by the filing of a verified petition alleging such abuse by the respondent.

2. A child's right to relief under sections 1 to 16 of this act shall not be affected by his leaving the residence or household to avoid abuse.

3. Any protection order issued pursuant to sections 1 to 16 of this act shall be effective throughout the state in all

cities and counties.

Section 5. Except as provided under section 6 of this act, clerks under the supervision of a circuit clerk shall explain to litigants not represented by counsel the procedures for filing all forms and pleadings necessary for the presentation of their petition to the court. The clerk shall advise the petitioner of his right to file a motion and affidavit to sue in forma pauperis pursuant to the Missouri Rules of Civil Procedure. Notice of the fact that clerks will provide such assistance shall be conspicuously posted in the clerks' offices. The location of the office where a petition can be filed shall be conspicuously posted in the court building. The performance of duties prescribed in this section shall not constitute the practice of law as defined in section 484.010, RSMo. All duties of the clerk prescribed in this section shall be performed without cost to the litigants. The supreme court may promulgate rules as necessary to govern conduct of court clerks under sections 1 to 16 of this act, and shall provide forms for petitions and written instructions on filling out all forms and pleadings necessary for the presentation of the petition to the court.

Section 6. 1. When the court is unavailable after business hours or on holidays or weekends, a verified petition for protection from abuse or a motion for hearing on violation of any order of protection under sections 1 to 16 of this act may be filed before any available circuit or associate circuit court judge in the city or county having jurisdiction to hear the petition. An ex parte order may be granted pursuant to section 7 of this act.

2. All papers in connection with the filing of a petition or the granting of an ex parte order of protection or a motion

for a hearing on a violation of an order of protection under this section shall be certified by such judge or the clerk within the next regular business day to the circuit court having jurisdiction to hear the petition.

3. A petitioner seeking a protection order for a child shall not be required to reveal any current address or place of residence of the child except to the judge in camera for the purpose of determining jurisdiction and venue. The petitioner may be required to provide a mailing address unless the petitioner alleges that the child would be endangered by such disclosure, or that other household members would be endangered by such disclosure.

Section 7. Upon the filing of a verified petition under sections 1 to 16 of this act and for good cause shown in the petition, the court may immediately issue an ex parte order of protection. An immediate and present danger of abuse to a child shall constitute good cause for purposes of this section. An ex parte order of protection shall be in effect until the time of the hearing.

Section 8. 1. Not later than fifteen days after the filing of a petition under sections 1 to 16 of this act a hearing shall be held unless the court deems, for good cause shown, that a continuance should be granted. At the hearing, if the petitioner has proved the allegation of abuse of a child by a preponderance of the evidence, the court may issue a full order of protection for a definite period of time, not to exceed one hundred eighty days. Upon motion by either party, and after a hearing by the court, the full order of protection may be renewed for a period not to exceed one hundred eighty days.

2. The court shall cause a copy of the petition and notice of the date set for the hearing on such petition and any ex

parte order of protection to be personally served upon the respondent at least five days prior to such hearing. The court shall cause a copy of any full order of protection to be personally served upon the respondent.

3. A copy of any order of protection granted under sections 1 to 16 of this act shall be issued to the petitioner and to the local law enforcement agency in the jurisdiction where the petitioner resides. A notice of expiration or of termination of any order of protection shall be issued to such local law enforcement agency.

Section 9. 1. Any ex parte order of protection granted under sections 1 to 16 of this act shall be to protect the victim from abuse and may include:

(1) Restraining the respondent from abusing, threatening to abuse, molesting or disturbing the peace of the victim;

(2) Restraining the respondent from entering the family home of the victim except as specifically authorized by the court;

(3) Restraining the respondent from having any contact with the victim, except as specifically authorized by the court;

(4) A temporary order of custody of minor children.

2. No ex parte order of protection excluding the respondent from the family home shall be issued unless the court finds that:

(1) The order is in the best interests of the child or children remaining in the home;

(2) A remaining adult family or household member is able to care adequately for the child or children in the absence of the excluded party; and

(3) A commitment has been obtained from the local division of family services office to provide appropriate social services

to the family or household members during the period of time which an order of protection is in effect.

Section 10. 1. Any full order of protection granted under sections 1 to 16 of this act shall be to protect the victim from abuse and may include:

(1) Temporarily enjoining the respondent from abusing, threatening to abuse, molesting or disturbing the peace of the victim;

(2) Temporarily enjoining the respondent from entering the family home of the victim, except as specifically authorized by the court;

(3) Temporarily enjoining the respondent from having any contact with the victim, except as specifically authorized by the court.

2. When the court has, after hearing for any full order of protection, issued an order of protection, it may, in addition:

(1) Award custody of any minor child born to or adopted by the parties when the court has jurisdiction over such child and no prior order regarding custody is pending or has been made, and the best interests of the child require such order be issued;

(2) Award visitation;

(3) Award child support where appropriate;

(4) Award maintenance to petitioner when petitioner and respondent are lawfully married;

(5) Order respondent to make or to continue to make rent or mortgage payments on a residence occupied by the victim if the respondent is found to have a duty to support the victim or other dependent household members;

(6) Order the respondent to participate in a court-approved counseling program designed to help child abusers stop violent

behavior;

(7) Order the respondent to pay, to the extent that he or she is able, the costs of his or her treatment, together with the treatment costs incurred by the victim;

(8) Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the victim by a shelter for victims of domestic violence.

Section 11. 1. The court may order the person obligated to pay support or maintenance to make an assignment of a part of his periodic earnings or other income to the person entitled to receive the payments.

2. The assignment is binding on the employer or other payor of the funds two weeks after service upon him of notice that it has been made. The payor shall withhold from such earnings or other income the amount specified in the assignment and shall transmit payments to the person specified in the order. Section 432.030, RSMo, or any other law or statute to the contrary notwithstanding, the payor may deduct from each payment a sum not exceeding one dollar as reimbursement for costs. An employer shall not discharge or otherwise discipline an employee as a result of a wage or salary assignment authorized by this section.

Section 12. 1. After notice and hearing, the court may modify an order of protection of a child at any time, upon subsequent motion filed by either party together with an affidavit showing a change in circumstances sufficient to warrant the modification. All full orders of protection of a child shall be final orders and appealable and shall be for a fixed period of time not to exceed one hundred eighty days except as otherwise provided herein.

2. Any order for child support, custody, temporary custody, visitation or maintenance entered under sections 1 to 16 of this act shall terminate prior to the time fixed in the order upon

the issuance of a subsequent order pursuant to chapter 452, RSMo, or any other Missouri statute.

3. No order entered pursuant to sections 1 to 16 of this act shall be res judicata to any subsequent proceeding, including, but not limited to, any action brought under chapter 452, RSMo.

Section 13. 1. Provisions of any order respecting maintenance or support may be modified only as to installments occurring subsequent to the motion for modification and only upon a showing of changed circumstances so substantial and continuing as to make the terms unreasonable.

2. Provisions of any order respecting custody may be modified only if the court finds, upon the basis of facts that have arisen since the prior order or that were unknown to the court at the time of the prior order, that a change has occurred in the circumstances of the child or his custodian and that the modification is necessary to serve the best interests of the child.

3. Provisions of any order respecting visitation may be modified when the modification would serve the best interests of the child.

Section 14. All proceedings under sections 1 to 16 of this act are independent of any proceedings for dissolution of marriage, legal separation, separate maintenance and other actions between the parties and are in addition to any other available civil or criminal remedies, unless otherwise specifically provided in sections 1 to 16 of this act.

Section 15. The court may order a respondent to pay a reasonable amount for the cost to the petitioner of maintaining any proceeding under sections 1 to 16 of this act and for attorney's fees, including sums for legal services rendered and

costs incurred prior to the commencement of the proceeding or after entry of judgment.

Section 16. 1. When a law enforcement officer has probable cause to believe that a party, against whom a protective order for a child has been entered, has committed an act of abuse in violation of that order, he shall have the authority to arrest the respondent whether or not the violation occurred in the presence of the arresting officer.

2. When a person, against whom an order of protection for a child has been entered, fails to surrender custody of minor children to the person to whom custody was awarded in an order of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and custody was awarded.

3. The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody.

4. (1) Violation of the terms and conditions of an ex parte order of protection with regard to abuse, child custody, or entrance upon the premises of the victim's dwelling unit, of which the respondent has notice, shall be a class A misdemeanor. Violation of the terms and conditions of a full order of protection for a child regarding abuse, child custody, or entrance upon the premises of the petitioner's dwelling unit, shall be a class A misdemeanor.

(2) For purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection for a child if the law enforcement officer responding to a call of a reported incident of abuse or violation of an order of protection for a

child presents a copy of the order of protection to the respondent.

5. The fact that an act by a respondent is a violation of a valid order of protection for a child shall not preclude prosecution of the respondent for other crimes arising out of the incident in which the protection order is alleged to have been violated.

Section 17. In all criminal cases and juvenile court hearings under chapter 211, RSMo, involving a child victim or witness, as defined in section 491.678 or 491.696, RSMo, the court shall give docket priority. The court and the prosecuting or circuit attorney shall take appropriate action to insure a speedy trial in order to minimize the length of time the child must endure the stress of his or her involvement in the proceeding. In ruling on any motion or other request for a delay or continuance of proceedings, the court shall consider and give weight to any adverse impact the delay or continuance may have on the well-being of a child victim or witness.

Section 18. The provisions of section 556.036, RSMo, to the contrary notwithstanding, prosecutions for unlawful sexual offenses involving a person seventeen years of age or under must be commenced within ten years after commission of the offense if the offense charged is a felony and within five years after commission of the offense if the offense is a misdemeanor.

AN ACT

Relating to the release of certain criminal records.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section 1. 1. Sections 1 to 12 of this act shall be known and may be cited as "The Child Abuse and Criminal History Record Information Act".

2. The general assembly declares the purposes of sections 1 to 12 of this act to be as follows:

(1) To protect the children of this state from sex abuse by enabling employers and volunteer organizations that render services to children to use selected criminal history record information to help determine if a person in their service who works with or around children, or an applicant for such a position, will present a danger of sex abuse to the children served; and

(2) To provide a means of disseminating selected criminal history information that protects the rights and interests of the persons whose records are disseminated.

Section 2. As used in sections 1 to 12 of this act, the following words and phrases mean:

(1) "Authorized employer representative", the chief executive officer or chief staff member of an employer, who has been authorized by the authorizing agency to receive on behalf of the employer sex offense criminal history record information about present and prospective employees of the employer;

(2) "Authorizing agency", the Missouri state highway patrol which shall review, approve or disapprove applications from employer representatives for authorization to receive sex

offense criminal history record information;

(3) "Central record repository", the Missouri state highway patrol criminal records division for compiling and disseminating complete and accurate criminal history records;

(4) "Child", any person under eighteen years of age;

(5) "Disposition", an official determination indefinitely postponing or terminating further action in a criminal proceeding or an official outcome of a criminal proceeding, including but not limited to a finding of not guilty by reason of insanity, pretrial diversion decision, appeal, or a determination of guilt based on a conviction, guilty plea, or plea of nolo contendere, any sentence imposed in connection with such determination, and any grant of executive clemency or pardon;

(6) "Employee", a person who renders time and services to an employer, and whose regular course of duties places that person in a position:

(a) To exercise supervisory or disciplinary control over children; or

(b) To have direct access to or contact with children served by the employer; or

(c) To have access to information and records maintained by the employer relating to identifiable children served by the employer.

For the purposes of sections 1 to 12 of this act, "employee" includes any volunteer, any prospective employee, and any prospective volunteer;

(7) "Employer", a business, nonprofit or volunteer organization, a unit of such business or organization, or a unit of government not responsible for law enforcement, whose employees regularly render services to children, including but

not limited to care, treatment, transportation, instruction, companionship, entertainment, or custody;

(8) "Employer representative", the chief executive officer or chief staff member of an employer, who applies to the authorizing agency for authorization to receive on behalf of the employer sex offense criminal history record information about present and prospective employees of the employer;

(9) "Sex offense", any of the following offenses under the state criminal code:

(a) Section 568.020, RSMo, relating to incest with a child victim;

(b) Chapter 566, RSMo, relating to sexual assault, including rape, statutory rape, and sodomy of a child;

(c) Chapter 573, RSMo, relating to the production, distribution, or sale of child pornography or pornographic materials;

(d) Sections 568.080 and 568.090, RSMo, and chapter 567, RSMo, relating to solicitation of children for the purposes of prostitution or other lewd or immoral purposes, or using children in any organized prostitution enterprise; or

(e) Aiding, abetting, attempting or conspiring to engage in any of the offenses in paragraphs (a), (b), (c) or (d) of this subdivision.

An act constituting an offense enumerated in this subdivision that is committed outside the state is a sex offense.

(10) "Sex offense criminal history record information", information relating to any disposition of any charge of a sex offense enumerated in this section which is specifically identifiable to an individual.

Section 3. 1. Sex offense criminal history record information authorized for dissemination under the terms of

sections 1 to 12 of this act shall be disseminated to authorized employers subject to the limitations contained in sections 1 to 12 of this act:

2. Sections 1 to 12 of this act permits an employer to consider an employee's sex offense criminal history record when making a decision to hire, retain, suspend, or discharge the employee.

3. Sections 1 to 12 of this act shall not be construed to restrict the release of criminal history record information authorized by other statutes. Conflicts which arise between sections 1 to 12 of this act and other statutes shall be resolved in favor of the statute which authorizes maximum disclosure of information.

4. Except as provided in subdivision (5) of subsection 5 of this section, sections 1 to 12 of this act exempt sex offenses from laws of this state or court orders authorizing the destroying, expunging, purging, or sealing of criminal history records to the extent such information is authorized for dissemination under sections 1 to 12 of this act.

5. Sections 1 to 12 of this act apply to criminal history record information required by law to be kept and reported by law enforcement or judicial agencies to the central record repository. The following are excluded from the provisions of sections 1 to 12 of this act:

(1) Information pertaining to law enforcement agencies' intelligence gathering activities and to other ongoing criminal investigations, if requested by a law enforcement agency to be excluded;

(2) Information obtained from a criminal justice agency report or other investigation report;

(3) False or fictitious criminal history information

intentionally fabricated and included in criminal history record files, where such information is for use in an ongoing undercover criminal investigation;

(4) Information for statistical or research purposes in which individuals are not identified and from which individual identities cannot be ascertained; and

(5) Juvenile criminal history record information which has been sealed by order of the court.

Section 4. The Missouri state highway patrol criminal records division is authorized to approve or deny employer representatives' requests for authorization to receive sex offense criminal history record information and is authorized to disseminate sex offense criminal history record information to employers authorized to receive such information.

2. The attorney general is authorized to enter into compacts with other states for the reciprocal exchange of sex offense criminal history information to further the purposes of sections 1 to 12 of this act.

Section 5. 1. Sex offense criminal history record information about employees may be disseminated under sections 1 to 12 of this act only to employer representatives to whom the authorizing agency has granted prior authorization to receive sex offense criminal history record information.

2. An employer representative applying for authorization to receive sex offense criminal history record information about employees shall provide to the authorizing agency:

(1) A plan for safeguarding any information obtained under sections 1 to 12 of this act and for destruction of such information within thirty days of its receipt;

(2) Agreement that if authorization is granted, the employer representative will update the material information

provided in the application throughout the period of authorization; and

(3) Such other information about the employer representative, the employer, and the employer's facilities that is necessary and proper for implementation of sections 1 to 12 of this act and requested by the authorizing agency.

3. The authorizing agency shall process applications for authorization to receive sex offense criminal history record information. The process shall include conducting such investigations as may be deemed necessary to verify information provided by the employer representative.

4. The authorizing agency shall provide authorization to receive sex offense criminal history record information to any employer representative whose application conforms to the requirements under subsection 2 of this section unless the authorizing agency determines that the employer representative:

(1) Does not represent an employer as defined in sections 1 to 12 of this act; or

(2) Has provided materially false information.

5. If the authorizing agency approves the application of the employer representative, it shall provide timely written notice of the authorization to the employer representative and to the central record repository, such notice to include any limitations on the authorization.

6. If the authorizing agency finds that the employer representative is not eligible for authorization under subsection 4 of this section, the authorizing agency shall return the application to the employer representative with written reasons for its disapproval, and provide the employer representative an opportunity to resubmit the application with any additional information as reasonably may be required by the

authorizing agency.

7. Authorization to receive sex offense criminal history record information shall be in effect for two years from the date of authorization. However, the authorizing agency may suspend or terminate authorization prior to its original expiration date if:

(1) The authorized employer representative fails to provide the authorizing agency with timely written notice of material changes in the information furnished under subsection 2 of this section;

(2) Material changes in the information furnished under subsection 2 of this section are of such a nature that the employer representative is no longer eligible for authorization under subsection 4 of this section; or

(3) The authorized employer representative or the employer has violated the provisions of sections 1 to 12 of this act. If the authorizing agency has probable cause to believe an employer has violated sections 1 to 12 of this act, it may suspend the authorization pending a determination that the alleged violation warrants further suspension or termination of the authorization.

8. If the authorizing agency suspends or terminates authorization of an authorized employer representative, it shall immediately provide written notice of this action to the employer representative and to the central record repository.

9. To implement this section, the authorizing agency shall develop rules and regulations governing authorization of employer representatives to receive sex offense criminal history record information about employees, including:

- (1) Application procedures and requirements;
- (2) Procedures for reviewing applications;
- (3) Limitations on authorization;

(4) Procedures for suspending, terminating, and renewing authorization;

(5) Procedures for employer representatives to appeal the denial or revocation of authorization;

(6) The setting of fee schedules not to exceed twenty dollars to cover the costs of initial authorization and not to exceed ten dollars to cover the costs of renewed authorization; and

(7) Procedures to assure compliance with the provisions of this section and the rules and regulations governing it.

Section 6. 1. An authorized employer representative may request sex offense criminal history record information about any employee of the employer, provided the employee is within the scope of the authorization granted to the employer representative.

2. The central record repository shall process requests from authorized employer representatives for sex offense criminal history record information about specified employees, provided such requests conform to the requirements of the central record repository, including:

(1) The name, address, and signature of the authorized employer representative and the name and address of the employer;

(2) The name and address of the employer's facility in which the employee is employed or seeking to become employed;

(3) The name, fingerprints, and other identifying information about the employee;

(4) Signed consent by the employee to a sex offense criminal history record information search;

(5) The mailing address of the employee or a signed waiver of the right under sections 1 to 12 of this act to be sent a

copy of the information disseminated to the authorized employer representative as a result of the record search;

(6) Signature of the employee indicating that the employee has been notified of:

(a) The types of sex offense criminal history record information subject to dissemination under subsection 4 of this section, or a description of such information; and

(b) The employer's right to require a record check as a condition of employment.

(7) Submission of the fees required by section 43.530, RSMo.

3. Upon receipt of a request from an authorized employer representative for sex offense criminal history record information about an employee, the central record repository shall undertake a search for such information, provided the employee is not outside the scope of the employer authorization. The search shall be based on the employee's fingerprints provided by the authorized employer representative and shall include:

(1) Identifying sex offense criminal history record information about the employee which may exist in the state central record repository;

(2) Identifying sex offense information substantiated by the division of family services about the employee which may exist in the child abuse and neglect central registry;

(3) Requesting out-of-state sex offense criminal history record information about the employee in accordance with agreements entered into with other states, including those entered into under subsection 2 of section 4 of this act; and

(4) Determining whether the sex offense criminal history record information is subject to dissemination under subsection

4 of this section.

4. Within ten days of receipt of a request by an authorized employer representative for sex offense criminal history record information, the central record repository shall send written notice of the results of the search to the authorized employer representative and to the employee, except that if the employee has waived the right to receive the results of the search, notice shall be sent only to the authorized employer representative. The notice shall include:

(1) A description of sex offense criminal history information subject to dissemination;

(2) If the search for sex offense criminal history record information revealed no information subject to release under sections 1 to 12 of this act, a statement that the central record repository has no information subject to release under sections 1 to 12 of this act; or

(3) If the search for sex offense criminal history record information revealed information about the employee subject to release under sections 1 to 12 of this act, a summary of the information. A statement of the purpose for which the information is being disseminated and the potential liabilities and penalties for its misuse shall be included with any sex offense criminal history record information disseminated.

5. Immediately upon receipt of corrected or updated information disseminated under subdivision (3) of subsection 4 of this section, the central record repository shall send written notice of the correction or updated information to the employee who was the subject of the record search, unless the employee has waived the right to receive such notice, and to all employer representatives to whom notice of the results of the sex offense criminal history record search under subdivision (3)

of subsection 4 of this section were disseminated within the three months prior to the correction, and upon request of the employee to any other employer representatives who previously received such information.

6. To implement this section the central record repository shall promulgate the necessary rules and regulations.

Section 7. Under no circumstances shall an employer or any individual other than the subject of the record check redisseminate sex offense criminal history record information received under sections 1 to 12 of this act except insofar as required to fulfill the purposes of sections 1 to 12 of this act.

Section 8. 1. Notwithstanding any civil or criminal remedies provided by sections 1 to 12 of this act, the rules and regulations of the authorizing agency shall provide administrative sanctions for authorized employers who violate sections 1 to 12 of this act, including temporary or permanent revocation of authorization to receive sex offense criminal history record information.

2. The authorizing agency and the central record repository shall provide reasonable administrative penalties for their employees who violate the provisions of sections 1 to 12 of this act. Such remedies may include suspension or termination of employment.

3. Employer representatives may appeal adverse decisions denying or revoking authorization in accordance with the rules and regulations of the authorizing agency.

4. All hearings held pursuant to the provisions of sections 1 to 12 of this act shall be held in accordance with the administrative procedures act, chapter 536, RSMo.

Section 9. 1. The following rights of action shall vest in

the subject of a sex offense criminal history record check:

(1) A private right of action against an employer, employer representative; or an employee for redissemination of sex offense criminal history record information, either intentionally or through gross negligence;

(2) A private right of action against the central record repository for dissemination of information not authorized for dissemination under the terms of sections 1 to 12 of this act, or for the release of information to a person or organization not authorized to receive information under the terms of sections 1 to 12 of this act, either intentionally or through gross negligence; and

(3) A private right of action against the central record repository for failure to correct information disseminated under sections 1 to 12 of this act, either intentionally or through gross negligence.

Punitive damages shall be awarded only upon a finding that the individual, organization, or agency acted with malice. The causes of action granted in subdivisions (2) and (3) of this subsection are in addition to those causes of action allowed under section 537.600, RSMo.

2. If an employee employed after the effective date of this act commits a sex offense against a child served by the employer, the employer shall be liable for damages for any injuries suffered by the child as a result of such offense if at the time the employer employed the employee:

(1) The employer was authorized or was eligible for authorization under sections 1 to 12 of this act to receive sex offense criminal history record information;

(2) The employee was the subject of sex offense criminal history record information which was available for dissemination

to the employer under sections 1 to 12 of this act; and

(3) The employer failed, without good cause, to request such information pursuant to sections 1 to 12 of this act. The liability of the employer for damages under this section shall be reduced by the amount of damages awarded to the child as a result of a suit against the employee for injuries sustained as a result of the offense.

Section 10. 1. It shall be unlawful for any person knowingly and willfully to:

(1) Use sections 1 to 12 of this act to obtain or seek to obtain sex offense criminal history record information under false pretenses;

(2) Disseminate or attempt to disseminate information received under sections 1 to 12 of this act, knowing that such information was received under sections 1 to 12 of this act, in a manner other than in accordance with sections 1 to 12 of this act; or

(3) Disseminate or attempt to disseminate false, inaccurate, or incomplete criminal history record information under sections 1 to 12 of this act.

2. Each violation of this section shall constitute a separate offense, and be punishable as a class A misdemeanor.

Section 11. 1. Any cause of action brought under the terms of sections 1 to 12 of this act shall be commenced within three years of its occurrence or of the time the party bringing the action should reasonably have become aware of the cause of action, whichever date is later. No action brought under the provisions of sections 1 to 12 of this act shall survive the life of the injured party.

2. An authorized employer shall be held harmless in any employment discrimination suit claiming discrimination based on

the provisions of sections 1 to 12 of this act.

Section 12. Notwithstanding any other provision of the law to the contrary, the division of family services shall release to the Missouri state highway patrol, upon the request of the criminal records division of the highway patrol, any substantiated report of sexual abuse which has been made to the central child abuse registry. The information released pursuant to this section shall be limited to the nature and disposition of any report and shall not include any identifying information about any person named in the report other than the perpetrator for whom the request is made. For purposes of this section, a substantiated report is any report which has resulted in a determination of a need for the provision of services to the family or a removal of the child from the home.

AN ACT

To repeal section 210.150, RSMo 1986, relating to records relating to child abuse cases, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

Section A. Section 210.150, RSMo 1986, is repealed and one new section enacted in lieu thereof, to be known as section 210.150, to read as follows:

210.150. 1. All reports and records made pursuant to sections 210.110 to 210.165 and maintained by the division, its local offices, the central registry, and other appropriate persons, officials, and institutions pursuant to sections 210.110 to 210.165 shall be confidential. For the purpose of this section, "subjects" include the child and any parent, guardian, or other person responsible for the child, who is mentioned in a report. "Reporters" include all persons and institutions who report abuse or neglect pursuant to sections 210.110 to 210.165. Information shall not be made available to any individual or institution except to:

(1) A physician or his designee who has before him a child whom he reasonably believes may be abused or neglected;

(2) Appropriate staff of the division and of its local offices, including interdisciplinary teams which are formed to assist the division in investigation, evaluation and treatment of child abuse and neglect cases or a multidisciplinary provider of professional treatment services under contract with the division for a child referred to the provider;

(3) Any person who is the subject of a report, or his designee, or the parent or guardian of such person when he is a minor, or who is mentally ill or otherwise incompetent, but the

EXPLANATION -- Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

names of reporters shall not be furnished to persons in this category. The division shall provide a method for confirming or certifying that a designee is acting on behalf of a subject;

(4) A grand jury, juvenile officer, prosecuting attorney, law enforcement officer involved in the investigation of child abuse or neglect, juvenile court or other court conducting abuse or neglect or child protective proceedings or the state highway patrol;

(5) Any person engaged in a bona fide research purpose, with the permission of the director; provided, however, that no information identifying the subjects of the reports and the reporters shall be made available to the researcher;

(6) Any day care home; day care center; child placing agency; residential care facility, including group homes; juvenile courts, public or private elementary schools, public or private secondary schools, or any other public or private agency exercising temporary supervision over a child or providing or having care or custody of a child who may request an examination of the central registry from the division for all employees and volunteers or prospective employees and volunteers, who do or will provide services or care to children. Requests for examinations shall be made to the division director or his designee in writing by the chief administrative officer of the above homes, centers, public and private elementary schools, public and private secondary schools, agencies, or courts. The division shall respond in writing to that officer. The response shall include information pertaining to the nature and disposition of any report or reports of abuse or neglect revealed by the examination of the central registry. This response shall not include any identifying information regarding any person other than the alleged perpetrator of the abuse or

neglect;

(7) Any person who inquires about a child abuse or neglect report involving a specific day care home, day care center, child placing agency, residential care facility, public and private elementary schools, public and private secondary schools, juvenile court or other state agency[;]. The information available to these persons is limited to the nature and disposition of any substantiated report and shall not include any identifying information pertaining to any person mentioned in the report;

(8) Any state agency when that agency is acting pursuant to statutes regarding a license of any person, institution, or agency which provides care for or services to children. [The information available to these persons is limited to the nature and disposition of any substantiated report and shall not include any identifying information pertaining to any person mentioned in the report.]

2. Any person who violates the provisions of this section, or who permits or encourages the unauthorized dissemination of information contained in the central registry and in reports and records made pursuant to sections 210.110 to 210.165, shall be guilty of a class A misdemeanor.